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The President

EXECUTIVE ORDER 9525

AMENDMENT OF EXECUTIVE ORDER 9356 OF JUNE 24, 1943, PRESCRIBING REGULATIONS GOVERNING THE FURNISHING OF CLOTHING IN KIND OR PAYMENT OF CASH ALLOWANCES IN LIEU THEREOF TO ENLISTED PERSONNEL OF THE NAVY, THE COAST GUARD, THE NAVAL RESERVE, AND THE COAST GUARD RESERVE

By virtue of and pursuant to the authority vested in me by section 10 of the Pay Readjustment Act of June 16, 1942 (56 Stat. 359, 363); it is ordered that Executive Order 9356 of June 24, 1943,¹ as amended, prescribing regulations governing the furnishing of clothing in kind or payment of cash allowances in lieu thereof to enlisted personnel of the Navy, the Coast Guard, the Naval Reserve, and the Coast Guard Reserve, be, and it is hereby, further amended by adding to section A thereof subsection 9 to read as follows:

9. Enlisted men of the Navy, Naval Reserve, Coast Guard, and Coast Guard Reserve, returned to the United States from overseas (including Alaska) as patients, who, due to the exigencies of the service and through no fault of their own, have become separated from or have lost their clothing and have not been reimbursed therefor:

- (a) Chief petty officers, cooks, and stewards; an issue of clothing in kind not to exceed in value..... \$100.00
- (b) Enlisted men in other ratings; an issue of clothing in kind not to exceed in value..... 60.00

In the event claim for reimbursement for lost personal property is later presented by an individual receiving issues of clothing under this subsection, the value of such clothing shall be deducted from such claim by the adjudicating authority.

¹ 8 F.R. 8781.

This amendment shall become effective as of January 1, 1945.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 28, 1945.

[F. R. Doc. 45-3315; Filed, Mar. 1, 1945;
11:17 a. m.]

EXECUTIVE ORDER 9526

AMENDING CERTAIN EXECUTIVE AND PUBLIC LAND ORDERS WITHDRAWING PUBLIC LANDS FOR PURPOSES INCIDENT TO THE NATIONAL EMERGENCY AND THE PROSECUTION OF THE WAR

WHEREAS by certain Executive and Public Land orders more than 13,000,000 acres of public lands have been withdrawn and reserved for the use of the military and other branches of the Federal Government for purposes incident to the various phases of the national emergency and the prosecution of the war; and

WHEREAS immediately prior to the issuance of such orders various Executive departments and independent agencies of the Federal Government had primary jurisdiction over, interests in, needs and uses for, or administration of, certain portions of such public lands; and

WHEREAS because of the findings of necessity for the emergency use of such lands, the jurisdiction over, interests in, needs and uses for, and administration of those lands by such departments and agencies were subordinated to such emergency use; and

WHEREAS it is and has been the intention, as expressed in most of the orders, that after the termination of the emergency, the public lands should be returned to the jurisdiction, uses, and administration which existed prior to the withdrawal and reservation of such lands for purposes incident to the national emergency and the prosecution of the war; and

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WHEREAS it is appropriate that, in future determinations of the public purposes for which such lands shall be used, reserved, or administered after the emer-

gency, those departments and agencies of the Federal Government which had prior jurisdiction over, interests in, or administration of such lands should have restored to them such jurisdiction over, interests in, or administration of the lands as existed prior to the withdrawal and reservation of the lands for purposes incident to the national emergency and the prosecution of the war:

NOW, THEREFORE, by virtue of the authority vested in me as the President of the United States as set forth in the orders hereinafter enumerated, it is ordered as follows:

The Executive orders and Public Land orders hereinafter enumerated, withdrawing and reserving public lands for uses incident to the national emergency and the prosecution of the war, are hereby amended by adding to each of the said orders the following paragraph:

"The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered."

Executive Order Numbers: 8101, 8102, 8305, 8325, 8343, 8450, 8507, 8508, 8577, 8578, 8579, 8636, 8651, 8652, 8725, 8755, 8788, 8789, 8792, 8793, 8794, 8830, 8831, 8847, 8865, 8872, 8874, 8877, 8884, 8892, 8915, 8923, 8927, 8932, 8954, 8957, 8992, 8999, 9000, 9014, 9019, 9020, 9026, 9029, 9042, 9053, 9081, 9086, 9104, 9107, 9109, 9114, 9143, 9215.

Public Land Order Numbers: 1, 3, 4, 6, 7, 9, 10, 11, 13, 15, 16, 18, 21, 22, 24, 25, 26, 27, 28, 31, 33, 34, 35, 37, 39, 40, 43, 44, 50, 51, 55, 56, 57, 58, 59, 60, 62, 63, 64, 66, 72, 74, 75, 76, 80, 81, 83, 85, 87, 88, 89, 90, 93, 94, 97, 98, 105, 109, 110.

Any provision in any of the orders hereinabove enumerated which is in conflict with this order is hereby superseded to the extent of such conflict: *Provided, however,* That any provision for the earlier return of jurisdiction over the public lands in any of said orders shall remain operative.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

February 28, 1945.

[F. R. Doc. 45-3314; Filed, Mar. 1, 1945; 11:17 a. m.]

EXECUTIVE ORDER 9527

RELINQUISHING POSSESSION OF THE PLANTS OF YORK SAFE AND LOCK COMPANY, YORK COUNTY, PENNSYLVANIA

WHEREAS by Executive Order No. 9416, dated January 21, 1944, the Secretary of the Navy was authorized and directed to take possession of and operate the plants and facilities of York Safe

and Lock Co. located in York County, Pennsylvania, in order to produce effectively essential war material required by the United States, and to do all things necessary and incidental to that end; and

WHEREAS, pursuant to the said order, the Secretary of the Navy took possession of the plants and facilities of said company on January 24, 1944, and has retained possession thereof since that date, except that possession under the said order of certain of the said plants and facilities was terminated on June 19, 1944, following the institution by the United States of condemnation proceedings with respect thereto; and

WHEREAS the said order provides that such possession will be terminated by the President within 60 days after he determines that such plants will be operated privately in a manner consistent with the war effort; and

WHEREAS it now appears, and I have determined, that the plants, facilities, and other property of the said company remaining in the possession of the Secretary of the Navy will be operated privately in a manner consistent with the war effort;

NOW, THEREFORE, by virtue of the power and authority vested in me by the Constitution and laws of the United States, I hereby direct the Secretary of the Navy to terminate and relinquish, on or before the fifteenth day following the date of this order, any and all possession, use and operation of the plants, facilities and other property of York Safe and Lock Co. held by the Secretary under Executive Order No. 9416, and to do all things necessary and incidental to such termination and relinquishment.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
February 28, 1945.

[F. R. Doc. 45-3313; Filed, Mar. 1, 1945;
11:17 a. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[WFO 126-2]

PART 1410—LIVESTOCK AND MEATS

ADMINISTRATOR OR ALTERNATE ADMINISTRATOR DELEGATION OF AUTHORITY UNDER WAR FOOD ORDER NO. 126

Pursuant to the authority vested in me by War Food Order No. 126, as amended (10 F.R. 1691, 2224), and to effectuate the purposes thereof, it is hereby ordered as follows:

§ 1410.23 *Delegation of authority to Administrator and Alternate Administrator—(a) Designation of Administrator and Alternate Administrator.* M. O. Cooper is hereby designated as Order Administrator, and Paul L. Fletcher as alternate Order Administrator of War Food Order No. 126.

(b) *Slaughter bases.* The Order Administrator or Alternate Order Administrator is hereby authorized to establish and certify to the Defense Supplies Corporation, slaughter bases against which percentages shall be computed in those cases where no livestock slaughter payment was claimed for a particular accounting period of 1944.

(c) *Entertainment of petitions for relief.* The Order Administrator or Alternate Order Administrator is hereby authorized to grant or deny relief from hardship, subject to review by the Director or Acting Director of Marketing Services upon the request of the petitioner.

(d) *General limitations.* All authority herein conferred shall be exercised in accordance with the standards contained in War Food Order No. 126, as amended, and shall be subject to the supervision of the Chief of the Livestock and Meats Branch, Office of Marketing Services, War Food Administration, and to such general instructions concerning policy and procedure as may from time to time be issued by the Director or Acting Director of Marketing Services.

(e) *General orders prohibited.* Any action taken pursuant to the authority herein delegated shall be evidenced by individual written notice to the particular slaughterer concerned and not by general order.

(f) *Authority reserved.* Nothing herein contained shall be construed as affecting any power or authority vested in the Director or Acting Director of Marketing Services.

(g) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., February 27, 1945.

(E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; WFO 126, 10 F.R. 1691)

Issued this 26th day of February 1945.

C. W. KITCHEN,
Director of Marketing Services.

[F. R. Doc. 45-3192; Filed, Feb. 27, 1945;
12:03 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T. D. 5441]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

PART 23—CONSOLIDATED INCOME TAX RETURNS

PART 33—CONSOLIDATED EXCESS PROFITS TAX RETURNS

AFFILIATED CORPORATIONS

Regulations 111, relating to income tax insofar as they pertain to affiliated corporations, Regulations 104, relating to consolidated income tax returns of affiliated corporations, and Regulations 110, relating to consolidated excess profits tax returns of affiliated corporations, amended to conform to the Revenue Act of 1943, and for other purposes.

In order to conform Regulations 111 (26 CFR, Cum. Supp., Part 29), Regulations 104 (26 CFR, Cum. Supp., Part 23), and Regulations 110 (26 CFR, Cum. Supp., Part 33) to the provisions of the Revenue Act of 1943 (Public Law 235, 78th Congress), enacted February 25, 1944, and for other purposes, such regulations are amended as follows:

PARAGRAPH 1. Section 29.113 (a) (11)—1 is amended by changing the last paragraph thereof to read as follows:

Except as otherwise provided in Regulation 104, the basis of property after a consolidated return period shall be the same as immediately prior to the close of such period.

PAR. 2. Section 29.141-1 (c) (7), as added by Treasury Decision 5401, approved August 26, 1944, is amended by striking out the last two sentences and inserting in lieu thereof the following:

If such corporation is a common parent corporation, the making and filing of the consolidated income tax return shall constitute the making and filing of its consent under section 141 (e) (7). If such corporation is a subsidiary, the filing of its authorization and consent on Forms 1122 and 1122E in the manner prescribed by § 23.12 (b) of this chapter and § 33.12 (b) of this chapter shall constitute the making and filing of such consent. A consent to be treated as an includible corporation under section 141 (e) (7) cannot be withdrawn or revoked at any time after the consolidated return is filed for the first taxable year for which the consent is filed.

PAR. 3. There is inserted immediately preceding § 23.0 the following:

SEC. 131. EXTENSION OF CONSOLIDATED RETURNS PRIVILEGE TO CERTAIN CORPORATIONS. (Revenue Act of 1943, Title I.)

Section 141 (e) (relating to the definition of includible corporations) is amended by adding at the end thereof the following new paragraph:

(7) Any corporation described in section 725 (a), or in section 727 (e), (g), or (h) (without regard to the exception in the initial clause of section 727) but not including such a corporation which has made and filed a consent, for the taxable year or any prior taxable year beginning after December 31, 1943, to be treated as an includible corporation. Such consent shall be made and filed at such time and in such manner as may be prescribed by the Commissioner with the approval of the Secretary.

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1943, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1943.

SEC. 204. INCREASE IN SPECIFIC EXEMPTION. (Revenue Act of 1943, Title II.)

(c) *Consolidated returns.* Section 141 (c) (relating to computation of tax in case of consolidated return) is amended by striking out "\$5,000" and inserting in lieu thereof "\$10,000".

SEC. 201. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1943, Title II.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1943.

PAR. 4. Section 23.2 (b), as amended by Treasury Decision 5244, approved March 13, 1943, is further amended as follows:

(A) By striking from the first and the fourth paragraphs the words "section 159 of the Revenue Act of 1942" and inserting in lieu thereof the words "section 159 of the Revenue Act of 1942 and section 131 of the Revenue Act of 1943";

(B) By inserting immediately after the fourth paragraph the following new paragraph:

In the determination of the includible corporations of the affiliated group for a taxable year beginning after December 31, 1943, a personal service corporation as described in section 725 (a) or a corporation otherwise entitled to exemption from excess profits tax under section 727 (e), (g), or (h) shall be treated as an includible corporation only if it has made and filed pursuant to section 141 (e) (7) its consent to be treated as an includible corporation for such year or for a prior taxable year beginning after December 31, 1943.

PAR. 5. Section 23.12 (b) is amended as follows:

(A) By changing the heading to read: "Authorizations and consents."

(B) By inserting at the end the following:

The filing of Form 1122 for a taxable year beginning after December 31, 1943 by a subsidiary which is either a personal service corporation as described in section 725 (a) or a corporation described in section 727 (e), (g), or (h) shall constitute the making and filing of its consent to be treated as an includible corporation under section 141 (e) (7).

If the common parent corporation is a personal service corporation as described in section 725 (a) or a corporation described in section 727 (e), (g), or (h), the making and filing of the consolidated income tax return for a taxable year beginning after December 31, 1943 shall constitute the making and filing of its consent to be treated as an includible corporation under section 141 (e) (7).

A corporation which consents to be treated as an includible corporation for a taxable year beginning after December 31, 1943 shall be treated as an includible corporation for all subsequent years, regardless of whether the affiliated group of which such corporation is a member during such subsequent years is the same as the affiliated group of which such corporation was a member when such consent was filed. No consent to be treated as an includible corporation under section 141 (e) (7) can be withdrawn or revoked at any time after the consolidated return is filed for the first taxable year for which the consent is filed.

PAR. 6. Section 23.31 (b) (2) (xix), as added by Treasury Decision 5244, is amended by striking the words "for the taxable year is 90 percent," and by inserting in lieu thereof the words "is 90 percent for a taxable year beginning prior to January 1, 1944, or 95 percent for a taxable year beginning after December 31, 1943,".

PAR. 7. Section 23.33, as amended by Treasury Decision 5127, approved March 5, 1942, is further amended by changing paragraphs (b) and (c) to read as follows:

(b) That the basis for determining the gain or loss, in the case of shares of stock, or in the case of bonds or other obligations, held during any part of a consolidated return period, shall be determined in accordance with §§ 23.34 and 23.35; and

(c) As provided in § 23.36 (imposing certain limitations upon losses otherwise allowable upon sales of stock, or bonds or other obligations).

PAR. 8. Section 23.34, as amended by Treasury Decision 5244, is further amended as follows:

(A) By striking paragraphs (a) and (b) and that portion of paragraph (c) preceding subparagraph (3), and by inserting in lieu thereof the following:

(a) *Scope of section.* This section prescribes the basis for determining the gain or loss upon any sale or other disposition (hereinafter referred to as "sale") by a corporation, which is (or has been) a member of an affiliated group which makes (or has made) a consolidated return for any taxable year, of any share of stock issued by another member of such group (whether issued before or during the period that it was a member of the group and whether issued before, during, or after the taxable year 1929), and held by the selling corporation during any part of a period for which a consolidated return is made or required under the regulations in this part.

For the basis in the case of a sale which does not break the affiliation and which is made during a taxable year for which a return is required to be filed on or before March 1, 1945, see paragraph (b) of this section.

For the basis in the case of a sale which does not break the affiliation and which is made during a taxable year for which a return is required to be filed after March 1, 1945, and in the case of a sale made at any time which breaks the affiliation, see paragraph (c) of this section.

For the basis in the case of a sale made after the selling corporation has ceased to be a member of the affiliated group, see paragraph (d) of this section.

For the basis in the case of a sale of bonds see § 23.35.

(b) *Sales made during taxable year for which return required on or before March 1, 1945, which do not break affiliation.* With respect to a sale made during a taxable year for which the last day prescribed by law for the filing of a return fell on or before March 1, 1945, the date on which Treasury Decision 5441 was filed with the Division of the Federal Register, if, notwithstanding such sale, the issuing corporation remains a member of the affiliated group, the basis shall be determined and adjusted in the same manner as if the selling corporation and the issuing corporation had never been members of an affiliated group.

But see § 23.38 (b), relating to inter-company transactions.

(c) *Sales made during taxable year for which return required after March 1,*

1945, which do not break affiliation; and sales made at any time which break affiliation. If the sale is made within a period during which the selling corporation is a member of the affiliated group, whether or not during a consolidated return period, and whether or not, as a result of such sale, the issuing corporation ceases to be a member of the group (not including sales made during a taxable year for which the last day prescribed by law for the filing of the return fell on or before March 1, 1945, if such sale did not break the affiliation), the basis shall be determined as follows:

(1) The aggregate bases of all shares of stock of the issuing corporation held by each member of the affiliated group (exclusive of the issuing corporation) immediately prior to the sale shall be determined separately for each member of the group and adjusted in accordance with the Code, but without regard to any adjustment under the last sentence of section 113 (a) (11) relating to losses of the issuing corporation sustained by such corporation after it became a member of the affiliated group.

(2) From the combined aggregate bases as determined in subparagraph (1), there shall be deducted the sum of the losses of such issuing corporation sustained during taxable years for which consolidated income tax returns were made or were required (whether the taxable year 1929 or any prior or subsequent taxable year) after such corporation became a member of the affiliated group and prior to the sale of the stock to the extent that such losses could not have been availed of by such corporation as a net loss or net operating loss in computing its net income for such taxable years if it had made a separate return for each of such years, reduced by any losses of the issuing corporation apportioned under this section to its stock sold or otherwise disposed of in a prior transaction, disregarding any transaction between members of the affiliated group during a consolidated return period which did not constitute a partial liquidation of the issuing corporation. For any taxable year in which the group sustained a consolidated loss not availed of in prior or subsequent years as a deduction under net loss or net operating loss provisions, the amount deducted under this paragraph shall be further reduced by an amount equal to that proportion of such consolidated loss which the loss of the issuing corporation for the year in which such loss was sustained bears to the aggregate losses of the members of the group for such year;

(B) By renumbering subparagraphs (2) and (3) of paragraph (d) as (3) and (4) respectively, and by inserting immediately following subparagraph (1) the following new subparagraph:

(2) The reduction (under paragraph (c) (2)) with respect to losses apportioned to stock sold or otherwise disposed of in prior transactions shall be determined without regard to the transaction which terminated the affiliation and all subsequent transactions.

PAR. 9. Section 23.35, as amended by Treasury Decision 5127, approved March 5, 1942, is further amended to read as follows:

§ 23.35 *Sale of bonds or other obligations; basis for determining gain or loss.* In the case of a sale or other disposition by a corporation, which is (or has been) a member of an affiliated group which makes (or has made) a consolidated income tax return for any taxable year, of bonds or other obligations issued or incurred by another member of such group (whether or not issued or incurred while it was a member of the group and whether issued or incurred before, during, or after the taxable year 1929) and held by the selling corporation during any part of a period for which a consolidated return is made or required under the regulations, the basis of each bond or obligation, for determining the gain or loss upon such sale or other disposition, determined in accordance with the Code, but without regard to any adjustment under the last sentence of section 113 (a) (11), shall be decreased (except as otherwise provided in this section) by the excess, if any, of the aggregate of the deductions computed under paragraph (c) (2) or (d) of § 23.34 over the sum of the aggregate bases of the stock of the debtor corporation as computed under paragraph (c) (1) or (d), as the case may be, held by the members of the group. The adjustment with respect to so much of such deductions as is based upon losses sustained during the taxable year 1929 and subsequent taxable years for which the last day prescribed by law for the filing of the return fell on or before March 1, 1945 (the date on which Treasury Decision 5441 was filed with the Division of the Federal Register) and availed of on consolidated returns filed for such years shall be made only in those cases in which the sales or other disposition of such bonds or other obligations resulted in a loss. (See, also, § 23.40, relating to disallowance of loss upon intercompany bad debts.)

PAR. 10. Section 23.38 (a) is amended to read as follows:

(a) *General rule.* Subject to the provisions of paragraphs (b) and (c) and except as otherwise provided in §§ 23.34 and 23.39, the basis during a consolidated return period for determining the gain or loss from the sale or other disposition of property, or upon which exhaustion, wear and tear, obsolescence, and depletion are to be allowed, shall be determined and adjusted in the same manner as if the corporations were not affiliated (see sections 111 to 115, inclusive), whether such property was acquired before or during a consolidated return period. Except as otherwise provided in § 23.39, such basis immediately after a consolidated return period (whether the affiliation has been broken or whether the privilege of making a consolidated return is not exercised) shall be the same as immediately prior to the close of such period.

PAR. 11. Section 23.38 (c) (4), as amended by Treasury Decision 5127, is further amended by striking that portion preceding subdivision (ii) and by inserting in lieu thereof the following:

(4) Where property was acquired either during the month of December 1938 upon a distribution in which gain

or loss to the distributee was recognized pursuant to the provisions of section 112 (b) (7) of the Revenue Act of 1938, or during some one calendar month of 1944 upon a distribution in which gain or loss to the distributee was recognized pursuant to the provisions of section 112 (b) (7) of the Code, as added by section 120 (a) of the Revenue Act of 1943, the basis of such property shall be the same as the basis (determined in accordance with sections 111 to 115, inclusive, and § 23.34) of the stock exchanged therefor, adjusted:

(i) For the transfer of assets within the affiliated group by the distributing corporation (by sale, gift, or otherwise) without consideration or at markedly fictitious values, during the period for which the corporations were affiliated (whether or not a consolidated return was made and regardless of the taxable year in which such transfer occurred);

PAR. 12. Section 23.43 (a) (2), as amended by Treasury Decision 5127, is further amended to read as follows:

(2) In computing the credit for a taxable year beginning after December 31, 1939, the "normal-tax net income" for the taxable year shall be its normal-tax net income computed as if a separate return were filed except that the net income used in such computation shall be determined in accordance with the provisions of § 23.31 (c), and the "tax against which such credit is taken" shall be that proportion of the tax computed upon the consolidated normal-tax net income of the affiliated group which is allocable to such corporation, and

PAR. 13. There is inserted immediately preceding § 33.0 the following:

SEC. 131. EXTENSION OF CONSOLIDATED RETURNS PRIVILEGE TO CERTAIN CORPORATIONS. (Revenue Act of 1943, Title I.)

Section 141 (e) (relating to the definition of includible corporations) is amended by adding at the end thereof the following new paragraph:

(7) Any corporation described in section 725 (a), or in section 727 (e), (g), or (h) (without regard to the exception in the initial clause of section 727) but not including such a corporation which has made and filed a consent, for the taxable year or any prior taxable year beginning after December 31, 1943, to be treated as an includible corporation. Such consent shall be made and filed at such time and in such manner as may be prescribed by the Commissioner with the approval of the Secretary.

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1943, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1943.

SEC. 204. INCREASE IN SPECIFIC EXEMPTION. (Revenue Act of 1943, Title II.)

(c) *Consolidated returns.* Section 141 (c) (relating to computation of tax in case of consolidated return) is amended by striking out "\$5,000" and inserting in lieu thereof "\$10,000".

SEC. 201. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1943, Title II.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1943.

PAR. 14. Section 33.1 (a), as amended by Treasury Decision 5245, approved March 13, 1943, is further amended by striking the words "and section 141 as amended by section 159 of the Revenue Act of 1942, applicable with respect to subsequent taxable years," and by inserting in lieu thereof the words "section 141 as amended by section 159 of the Revenue Act of 1942, applicable with respect to taxable years beginning after December 31, 1941 but prior to January 1, 1944, and as further amended by section 131 of the Revenue Act of 1943, applicable with respect to taxable years beginning after December 31, 1943."

PAR. 15. Section 33.2 (b), as amended by Treasury Decision 5245, is further amended as follows:

(A) By striking from the first and third paragraphs the words "section 159 of the Revenue Act of 1942" wherever appearing therein and by inserting in lieu thereof in each case the words "section 159 of the Revenue Act of 1942 and section 131 of the Revenue Act of 1943".

(B) By inserting immediately after the third paragraph the following new paragraph:

In the determination of the includible corporations of the affiliated group for a taxable year beginning after December 31, 1943, a personal service corporation as described in section 725 (a) or a corporation otherwise entitled to exemption from excess profits tax under section 727 (e), (g), or (h) shall be treated as an includible corporation only if it has made and filed pursuant to section 141 (e) (7) its consent to be treated as an includible corporation for such year or for a prior taxable year beginning after December 31, 1943.

PAR. 16. Section 33.12 (b) is amended as follows:

(A) By changing the heading to read: "Authorizations and consents."

(B) By inserting at the end the following:

The filing of Form 1122F for a taxable year beginning after December 31, 1943 by a subsidiary which is either a personal service corporation as described in section 725 (a) or a corporation described in section 727 (e), (g), or (h) shall constitute the making and filing of its consent to be treated as an includible corporation under section 141 (e) (7).

If the common parent corporation is a personal service corporation as described in section 725 (a) or a corporation described in section 727 (e), (g), or (h), the making and filing of the consolidated income tax return for a taxable year beginning after December 31, 1943 shall constitute the making and filing of its consent to be treated as an includible corporation under section 141 (e) (7).

A corporation which consents to be treated as an includible corporation for a taxable year beginning after December 31, 1943 shall be treated as an includible corporation for all subsequent years, regardless of whether the affiliated group of which such corporation is a member during such subsequent years is the same as the affiliated group of which such corporation was a member when such consent was filed. No consent to be treated as an includible corporation un-

der section 141 (e) (7) can be withdrawn or revoked at any time after the consolidated return is filed for the first taxable year for which the consent is filed.

PAR. 17. Section 33.14 is amended by striking from the second paragraph the words "§ 19.46-1, Regulations 103," and by inserting in lieu thereof the words "§ 19.46-1 of this chapter, or § 29.46-1 of this chapter, as the case may be."

PAR. 18. Section 33.18 (b), as amended by Treasury Decision 5245, is further amended by striking the words "section 159 of the Revenue Act of 1942," and by inserting in lieu thereof the words "section 159 of the Revenue Act of 1942 and section 131 of the Revenue Act of 1943."

PAR. 19. Section 33.30 as amended by Treasury Decision 5245, is further amended by changing the next to the last paragraph to read as follows:

For a consolidated return period beginning after December 31, 1941, the consolidated excess profits tax liability shall be whichever of the following amounts is the lesser:

(1) Ninety-five percent (or for taxable years beginning prior to January 1, 1944, 90 percent) of the consolidated adjusted excess profits net income, or

(2) An amount which when added to the consolidated tax computed under Regulations 104 (not including any tax imposed by section 102 or section 500) equals 80 percent of the consolidated corporation surtax net income, computed without regard to the section 26 (e) credit (relating to income subject to excess profits tax) and, for a taxable year beginning after December 31, 1943, without regard to 80 percent of the consolidated section 26 (h) credit (relating to dividends paid on certain public utility preferred stock) computed with the limitations provided in § 23.31 (b) (2) (xx) (c) of this chapter, increased by the excess, if any, of the consolidated net income computed under the regulations in this part over the consolidated net income computed under Part 23 of this chapter, or decreased by the excess, if any, of the consolidated net income computed under Part 23 of this chapter over the consolidated net income computed under the regulations in this part and computed with a dividend received credit determined by reference to a consolidated net income similarly increased or decreased.

PAR. 20. Section 33.31 (b), as added by Treasury Decision 5245, is amended as follows:

(A) By striking from subparagraph (19) the expression "90 percent," and inserting in lieu thereof the expression "95 percent (or for a taxable year beginning prior to January 1, 1944, 90 percent).";

(B) By changing subparagraph (24) (i) to read as follows:

(i) A specific exemption of \$10,000 (\$5,000 for a taxable year beginning prior to January 1, 1944),

(C) By changing subparagraph (26) to read as follows:

(26) The consolidated excess profits credit based on invested capital shall be the sum of:

(i) With respect to taxable years beginning after December 31, 1943:

(a) Eight percent of that portion of the consolidated invested capital not in excess of \$5,000,000,

(b) Six percent of that portion of the consolidated invested capital in excess of \$5,000,000 but not in excess of \$10,000,000, and

(c) Five percent of that portion of the consolidated invested capital in excess of \$10,000,000, or

(ii) With respect to taxable years beginning after December 31, 1941, but prior to January 1, 1944:

(a) Eight percent of that portion of the consolidated invested capital not in excess of \$5,000,000,

(b) Seven percent of that portion of the consolidated invested capital in excess of \$5,000,000 but not in excess of \$10,000,000,

(c) Six percent of that portion of the consolidated invested capital in excess of \$10,000,000 but not in excess of \$200,000,000, and

(d) Five percent of that portion of the consolidated invested capital in excess of \$200,000,000;

PAR. 21. Section 33.31 (c), as added by Treasury Decision 5245, approved March 13, 1943, and amended by Treasury Decision 5341, approved March 14, 1944, is further amended as follows:

(A) By inserting in subparagraph (2) (xi) (h) immediately after the expression "Regulations 109" the following: "or § 35.742-3 (b) of this chapter as the case may be,";

(B) By inserting in subparagraph (2) (xii) (f) immediately after the expression "Regulations 109" the following: "or § 35.743-1 (b) of this chapter, as the case may be,";

(C) By striking from subparagraph (2) (xiii) (c) the period at the end thereof and inserting in lieu thereof the following: "or § 35.743-1 (b) of this chapter, as the case may be,";

(D) By changing subparagraph (13) (iv) (c) (28) to read as follows:

(28) A provision of law is applicable prescribing the nonrecognition of gain or loss, in whole or in part, upon such receipt, including a provision of the regulations applicable to a consolidated income or excess profits tax return, but not including the provisions of section 112 (b) (7) of the Revenue Act of 1938 relating to certain complete liquidations occurring during December 1938, the provisions of section 112 (b) (7) of the Internal Revenue Code relating to certain complete liquidations occurring during some one calendar month in 1944, the provisions of section 112 (b) (9) relating to certain complete liquidations of railroad corporations, or the provisions of section 112 (b) (10) relating to reorganizations of corporations in certain receivership and bankruptcy proceedings,

(E) By amending subparagraph (14) (i) to read as follows:

(i) The portion of the consolidated excess profits credit otherwise allowable with respect to the common parent corporation and with respect to any subsidiaries which were members of the

group on March 14, 1941, shall not exceed:

(a) The portion of the consolidated excess profits net income for the taxable year attributable to such common parent corporation, in the case of a group formed subsequent to March 14, 1941, or

(b) In the case of a group formed prior to March 15, 1941, but having among its members in the taxable year one or more subsidiaries which became members of the group subsequent to March 14, 1941, the aggregate of the portion of the consolidated excess profits net income for the taxable year attributable to the common parent corporation and to the several subsidiary corporations which were members of the group on March 14, 1941;

(F) By striking from that portion of subparagraph (14) (iv) preceding the lettered inferior subdivisions the words "or to the common parent corporation of a group in existence on March 14, 1941," and inserting in lieu thereof the words "or to the common parent corporation or subsidiaries of a group in existence on March 14, 1941,".

PAR. 22. Section 33.33, as amended by Treasury Decision 5126, approved March 5, 1942, is further amended by changing paragraphs (b) and (c) to read as follows:

(b) That the basis for determining the gain or loss, in the case of shares of stock, or in the case of bonds or other obligations, held during any part of a consolidated return period, shall be determined in accordance with §§ 33.34 and 33.35; and

(c) As provided in § 33.36 (imposing certain limitations upon losses otherwise allowable upon sales of stock, or bonds or other obligations).

PAR. 23. Section 33.34, as amended by Treasury Decision 5245, is further amended as follows:

(A) By striking paragraphs (a) and (b) and that portion of paragraph (c) preceding subparagraph (3), and by inserting in lieu thereof the following:

(a) *Scope of section.* For the purpose of computing excess profits net income, this section prescribes the basis for determining the gain or loss upon any sale or other disposition (hereinafter referred to as "sale") by a corporation, which is (or has been) a member of an affiliated group which makes (or has made) a consolidated income or excess profits tax return for any taxable year, of any share of stock issued by another member of such group (whether issued before or during the period that it was a member of the group and whether issued before, during, or after the taxable year 1929), and held by the selling corporation during any part of a period for which a consolidated return is made or required under the regulations in this part.

For the basis in the case of a sale which does not break the affiliation and which is made during a taxable year for which a return is required to be filed on or before March 1, 1945, see paragraph (b) of this section.

For the basis in the case of a sale which does not break the affiliation and which is made during a taxable year

for which a return is required to be filed after March 1, 1945, and in the case of a sale made at any time which breaks the affiliation, see paragraph (c) of this section.

For the basis in the case of a sale made after the selling corporation has ceased to be a member of the affiliated group, see paragraph (d) of this section.

For the basis in the case of a sale of bonds, see § 33.35.

(b) *Sales made during taxable year for which return required on or before March 1, 1945, which do not break affiliation.* With respect to a sale made during a taxable year for which the last day prescribed by law for the filing of the return fell on or before March 1, 1945, the date on which Treasury Decision 5441 was filed with the Division of the Federal Register, if, notwithstanding such sale, the issuing corporation remains a member of the affiliated group, the basis shall be determined and adjusted in the same manner as if the selling corporation and the issuing corporation had never been members of an affiliated group.

But see § 33.38 (b), relating to intercompany transactions.

(c) *Sales made during taxable year for which return required after March 1, 1945, which do not break affiliation; and sales made at any time which break affiliation.* If the sale is made within a period during which the selling corporation is a member of the affiliated group, whether or not during a consolidated return period, and whether or not, as a result of such sale, the issuing corporation ceases to be a member of the group (not including sales made during a taxable year for which the last day prescribed by law for the filing of the return fell on or before March 1, 1945, if such sale did not break the affiliation), the basis shall be determined as follows:

(1) The aggregate bases of all shares of stock of the issuing corporation held by each member of the affiliated group (exclusive of the issuing corporation) immediately prior to the sale shall be determined separately for each member of the group and adjusted in accordance with the Code, but without regard to any adjustment under the last sentence of section 113 (a) (11) relating to losses of the issuing corporation sustained by such corporation after it became a member of the affiliated group.

(2) From the combined aggregate bases as determined in subparagraph (1), there shall be deducted the sum of:

(i) All losses of such issuing corporation sustained during taxable years for which consolidated income tax returns were made or were required (whether the taxable year 1929 or any prior or subsequent taxable year) after such corporation became a member of the affiliated group and prior to the sale of the stock to the extent that such losses could not have been availed of by such corporation as net loss or net operating loss in computing its net income for such taxable years if it had made a separate return for each of such years.

(ii) With respect to each of such taxable years for which consolidated returns were made or were required both for income and for excess profits tax

purposes, the excess, if any, of all losses of such issuing corporation for such year, properly adjusted in the computation of consolidated excess profits net income, over the amount of such losses for such year computed under (i) to the extent that such excess could not have been availed of by such corporation as a net operating loss in computing its excess profits net income for such taxable years if it had made a separate excess profits tax return for each of such years, and

(iii) With respect to each of such taxable years for which consolidated returns were made or were required for excess profits tax purposes only, all losses of such issuing corporation for such year, properly adjusted in the computation of consolidated excess profits net income, to the extent that such losses could not have been availed of by such corporation as a net operating loss in computing its excess profits net income for such taxable years if it had made a separate excess profits tax return for each of such years,

reduced by any losses of the issuing corporation apportioned under this section to its stock sold or otherwise disposed of in a prior transaction, disregarding any transaction between members of the affiliated group during a consolidated income or excess profits tax return period which did not constitute a partial liquidation of the issuing corporation. For any taxable year (whether beginning prior to January 1, 1940, or on or after such date) in which the group sustained a consolidated loss not availed of in prior or subsequent years as a deduction under net loss or net operating loss provisions, the amount deducted under this subparagraph shall be further reduced by an amount equal to that proportion of such consolidated loss which the loss of the issuing corporation for the year in which such loss was sustained bears to the aggregate losses of the members of the group for such year.

(B) By renumbering subparagraphs (2) and (3) of paragraph (d) as (3) and (4) respectively, and by inserting immediately following subparagraph (1) the following new subparagraph:

(2) The reduction (under paragraph (c) (2)) with respect to losses apportioned to stock sold or otherwise disposed of in prior transactions shall be determined without regard to the transaction which terminated the affiliation and all subsequent transactions.

PAR. 24. Section 33.35, as amended by Treasury Decision 5126, approved March 5, 1942, is further amended to read as follows:

§ 33.35 *Sale of bonds or other obligations; basis for determining gain or loss.* In the case of a sale or other disposition by a corporation, which is (or has been) a member of an affiliated group which makes (or has made) a consolidated income or excess profits tax return for any taxable year, of bonds or other obligations issued or incurred by another member of such group (whether or not issued or incurred while it was a member of the group and whether issued or incurred before, during, or after the taxable year 1929) and held by the selling corporation during any

part of a period for which a consolidated return is made or required under these regulations, the basis of each bond or obligation, for determining the gain or loss upon such sale or other disposition, determined in accordance with the Code, but without regard to any adjustment under the last sentence of section 113 (a) (11), shall be decreased (except as otherwise provided in this section) by the excess, if any, of the aggregate of the deductions computed under paragraph (c) (2) or (d) of § 33.34 over the sum of the aggregate basis of the stock of the debtor corporation as computed under paragraph (c) (1) or (d), as the case may be, held by the members of the group. The adjustment with respect to so much of such deductions as is based upon losses sustained during the taxable year 1929 and subsequent taxable years for which the last day prescribed by law for the filing of the return fell on or before March 1, 1945 (the date on which Treasury Decision 5441 was filed with the Division of the Federal Register) and availed of on consolidated returns filed for such years shall be made only in those cases in which the sale or other disposition of such bonds or other obligations resulted in a loss. (See, also § 33.40, relating to disallowance of loss upon intercompany bad debts.)

PAR. 25. Section 33.38 (a) is amended to read as follows:

(a) *General rule.* Subject to the provisions of paragraphs (b) and (c) and except as otherwise provided in §§ 33.34 and 33.39, the basis during a consolidated return period for determining the gain or loss from the sale or other disposition of property, or upon which exhaustion, wear and tear, obsolescence, and depletion are to be allowed, shall be determined and adjusted in the same manner as if the corporations were not affiliated (see sections 111 to 115, inclusive), whether such property was acquired before or during a consolidated return period. Except as otherwise provided in § 33.39, such basis immediately after a consolidated return period (whether the affiliation has been broken or whether the privilege of making a consolidated return is not exercised) shall be the same as immediately prior to the close of such period.

PAR. 26. Section 33.39 (c), as amended by Treasury Decision 5245, is further amended by striking the words "subparagraph (2) of this paragraph" wherever they appear and by inserting in lieu thereof in each case the words "paragraph (b) of this section".

(Sec. 62, I.R.C. (53 Stat. 32; 26 U.S.C. 62), sec. 141, I. R. C. (53 Stat. 58; 26 U. S. C. 141), as amended by sec. 159, Revenue Act of 1942 (56 Stat. 858), and sec. 131, Revenue Act of 1943 (Pub. Law 235, 78th Cong.))

[SEAL] JOSEPH D. NUNAN,
Commissioner of Internal Revenue.

Approved: February 28, 1945.

JOSEPH J. O'CONNELL, Jr.
Secretary of the Treasury.

[F. R. Doc. 45-3300; Filed, Mar. 1, 1945;
11:10 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control

[Amdt. 292]

RAYON REMNANTS

REVOCATION OF CERTAIN LICENSES FOR EXPORTATION TO CUBA

It is hereby ordered, That all outstanding individual export licenses issued by the Foreign Economic Administration and authorizing the exportation of rayon remnants (Schedule B Number 3849.90) to Cuba which were validated on or before September 30, 1944, shall be and the same are hereby revoked effective on March 1, 1945: *Provided*, That shipments which were on dock, on lighter, laden aboard an exporting carrier or in transit to a port of exit prior to March 1, 1945, may be exported pursuant to licenses validated on or before September 30, 1944.

It is further ordered, That all export licenses revoked by this order shall be returned by the person holding the same to the Requirements and Supply Branch, Foreign Economic Administration, Washington 25, D. C.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 238, 77th Cong.; Pub. Law 397, 78th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: February 26, 1945.

S. H. LEBENSBURGER,

Director,

Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 45-3286; Filed, Feb. 28, 1945;
2:02 p. m.]

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-686]

ACME SHOE MANUFACTURING CO.

Acme Shoe Manufacturing Company, a corporation, located at Clarksville, Tennessee, is engaged in the manufacture of men's, women's and children's cowboy boots. During the period between March 1, 1944 and June 30, 1944, the corporation ordered, purchased and accepted delivery of approximately 33,000 feet of cattle hide upper leather, certifying to its suppliers that such leather was to be incorporated only into uppers for infants', misses' and children's footwear, in accordance with Directive 54 to Conservation Order M-310. The corporation in fact used this leather in the production of men's and women's shoes in sizes ranging from 3½ to 6½, in violation of

the terms of the foregoing directive and the provisions of Conservation Order M-310. In addition, in accepting delivery of these 33,000 feet of leather, the corporation thereby increased its inventory of leather to an amount in excess of a 30 days' supply, in violation of Conservation Order M-217. The responsible officers of the corporation were aware of the provisions of Conservation Order M-310, Directive 54 thereunder, and Conservation Order M-217, and its actions constituted wilful violations thereof. These violations have diverted critical material to uses not authorized by the War Production Board, and have hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.686 *Suspension Order No. S-686.* (a) During the six months period beginning March 1, 1945 and ending September 1, 1945, the maximum number of pairs of men's and women's shoes which the Acme Shoe Manufacturing Company, its successors or assigns, may put into process, manufacture or complete shall be 26,400 pairs less than its quota for this period, as specified by the provisions of Conservation Order M-217, unless otherwise authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Acme Shoe Manufacturing Company, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same is inconsistent with the provisions hereof.

Issued this 24th day of February 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-3304; Filed, Mar. 1, 1945;
11:18 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-713]

CALIFORNIA ROUGH "EEZ"

California Rough "Eez" is a partnership, composed of Nicholas L. Carroll and S. M. Haimo, engaged in the manufacture of women's footwear and having a principal place of business located at 229 South San Pedro Street, Los Angeles, California. Between the approximate dates of July 11, 1944 and August 18, 1944, the partnership manufactured and sold a certain line of footwear, designated women's play shoes, which had not been manufactured by the partnership in the base period as defined in Conservation Order M-217; the extent of the sales of this new line of footwear amounting to approximately \$21,067.52, at a price of approximately \$3.60 per pair, or approximately 6000 pairs. The manufacture and sale of this new line of footwear by the partnership was in violation of Conservation Order M-217 and was committed in disregard of the War Production Board's denial of the firm's appeal for relief from the restrictions of the order. The violation therefore was wilful and has diverted critical ma-

terials to uses not authorized by the War Production Board, and has hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.713 *Suspension Order No. S-713.* (a) During the six month period beginning March 1, 1945, Nicholas L. Carroll and S. M. Haimo, doing business as California Rough "Eez", their successors or assigns, shall reduce their production quota of shoes by 6000 pairs under the quota it would otherwise be entitled to manufacture for this period as specified by the provisions of Conservation Order M-217, unless otherwise authorized in writing by the War Production Board.

(b) The restrictions and prohibitions contained herein shall apply to Nicholas L. Carroll and S. M. Haimo, doing business as California Rough "Eez", or under any other name, their successors and assigns or persons acting in their behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of such action.

(c) Nothing contained in this order shall be deemed to relieve Nicholas L. Carroll and S. M. Haimo, doing business as California Rough "Eez", their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

Issued this 6th day of February 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-3305; Filed, Mar. 1, 1945;
11:18 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-724]

RICHARD IVES CO.

Richard Ives and Helen Ives, husband and wife, are partners doing business as Richard Ives Company at 661 West Colfax Avenue, Denver, Colorado, as dealers in and distributors of metal working machinery, cutting tools, and accessories. Between February 29 and May 31, 1944, they extended AA-1 preference ratings to their suppliers to purchase items for which their customers had given them ratings ranging from AA-5 to AA-2 for 10 purchases of equipment, and no ratings for 12 purchases of equipment. These actions were in violation of Priorities Regulation No. 3. During 1944 they also failed to keep and preserve accurate and complete records as required by Priorities Regulation No. 1. Richard Ives, who is manager of Richard Ives Company, was familiar with these regulations and these violations were the result of gross negligence.

These violations have diverted critical materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.724 Suspension Order No. 724.

(a) Richard Ives and Helen Ives shall not for 90 days from the effective date of this suspension order apply or extend any preference ratings or use any CMP allotment symbols for the purchase of any tools or materials defined in or governed by General Preference Order E-1-b, as amended from time to time, regardless of the delivery date named in any purchase order to which such ratings may be applied or extended or on which CMP allotment symbols are used, unless hereafter otherwise specifically authorized in writing by the War Production Board.

(b) The restrictions and prohibitions contained herein shall apply to Richard Ives and Helen Ives (doing business as Richard Ives Company or under any other name), their successors or assigns or persons acting on their behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(c) Nothing contained in this order shall be deemed to relieve Richard Ives and Helen Ives, doing business as Richard Ives Company or under any other name, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on March 1, 1945.

Issued this 19th day of February 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-3306; Filed, Mar. 1, 1945;
11:18 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5, as Amended Sept. 28, 1944,
Amdt. 2]

MAINTENANCE, REPAIR AND OPERATING SUPPLIES

CMP Regulation 5, § 3175.5, is amended as follows:

1. In Schedule A under the general heading "Miscellaneous Products" change the item beginning "AA-1 Textiles" to read as follows:

AA-1 Textiles: Cotton, rayon and nylon yarns and fabrics for tire cord, duck and duck substitutes; merino yarns and fabrics, combed cotton yarns and fabrics and wool tops.

Issued this 1st day of March 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-3301; Filed, Mar. 1, 1945;
11:18 a. m.]

PART 3286—MISCELLANEOUS MINERALS

[Conservation Order M-285, as Amended
Mar. 1, 1945]

URANIUM

§ 3286.66 Conservation Order M-285—
(a) *Restrictions on sale and delivery for certain uses.* No person shall sell or de-

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liver (including deliveries under toll agreement) uranium or uranium compounds, alloys, or mixtures containing 0.05% or more by weight of uranium as U_3O_8 , for use in the manufacture or decoration of glass, glassware, pottery, tile, or other ceramic product, or for use in the manufacture or processing of photographic plates, films, or papers.

(b) *Restrictions on purchase and receipt for certain uses.* No person shall purchase or receive (including receipts under toll agreement) uranium or uranium compounds, alloys, or mixtures containing 0.05% or more by weight of uranium as U_3O_8 , for use in the manufacture or decoration of glass, glassware, pottery, tile or other ceramic product, or for use in the manufacture or processing of photographic plates, films or papers.

(c) *General restrictions on purchases and sales.* (1) Beginning September 1, 1944, no person shall purchase or receive from all sources during any calendar month a total of 10 pounds or more of uranium or uranium compounds, alloys, or mixtures, (containing 5 percent or more by weight of uranium as U_3O_8) without specific authorization from the War Production Board. An application to obtain such authorization may be made by mailing Form WPB 3909 in sextuplicate to the War Production Board, P. O. Box 175, Madison Square Station, New York 10, New York. Applications should be filed by the 20th day of the month before the proposed delivery month.

(2) Beginning September 1, 1944, no person shall sell or deliver to another person during any calendar month a total of 10 pounds or more of uranium or uranium compounds, alloys, or mixtures (containing 5 percent or more by weight of uranium as U_3O_8), without specific authorization from the War Production Board.

(d) *Miscellaneous provision—(1) Reports—(i) Ores, residues and tailings.* Any person having in his possession or control 2,000 pounds or more of any ores, residues or tailings containing 0.05% or more by weight of uranium as U_3O_8 at any time during any calendar month, shall file Form WPB-3910 with the War Production Board in accordance with the instructions on that Form.

(ii) *Processed materials.* Any person purchasing or receiving or selling or delivering a total of 10 pounds or more of uranium or uranium compounds, alloys or mixtures (containing 5 per cent or more by weight of uranium as U_3O_8) during any calendar month commencing with August, 1944, shall file with the War Production Board on or before the tenth day of the succeeding calendar month a letter containing the following information:

1. Complete inventory of all such uranium and uranium compounds, alloys or mixtures as of the first and last days of the calendar month.

2. All purchases or receipts of such uranium and uranium compounds, alloys or mixtures and the names and addresses of persons from whom purchased or received.

3. All sales or deliveries of such uranium and uranium compounds, alloys or mixtures and the names and addresses of persons to

whom sold or delivered and the amount sold or delivered to each.

(iii) The reporting requirements of this order have received the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(2) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(3) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(4) *Routing of communications.* All reports to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to War Production Board, P. O. Box 175, Madison Square Station, New York 10, New York.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 1st day of March 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-3302; Filed, Mar. 1, 1945;
11:18 a. m.]

Chapter XI—Office of Price Administration

PART 1300—PROCEDURE

[Rev. Procedural Reg. 3, Amdt. 11]

PROCEDURE FOR ADJUSTMENTS, AMENDMENTS, PROTESTS AND INTERPRETATIONS UNDER RENT REGULATIONS

Revised Procedural Regulation 3 is amended in the following respects:

1. Section 1300.207 is amended by adding the following: "The proceeding shall be deemed commenced on the date of issuance of such notice."

2. Section 1300.251 is amended to read as follows:

§ 1300.251 *Filing of notices, etc.* All notices, reports, registration statements, and other documents which a landlord is required to file, pursuant to the provisions of any maximum rent regulation, shall be filed with the appropriate defense-rental area office and shall be deemed filed on the date received by said office unless otherwise provided in such maximum rent regulation or in this regulation: *Provided*, That any such notice, report, registration statement or other document properly addressed to and received by said office shall be deemed filed on the date of the postmark.

19 F.R. 10484.

This amendment shall become effective March 1, 1945.

Issued this 28th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3255; Filed, Feb. 28, 1945;
11:49 a. m.]

PART 1306—IRON AND STEEL

[RPS 6,¹ Amdt. 12]

IRON AND STEEL PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

1. Section 1306.10 (j) is amended to read as follows:

(j) (1) *Additions to basing point base prices for certain prime quality products.* Notwithstanding the provisions of any other section of this Revised Price Schedule No. 6, there may be added to the basing point base prices otherwise established by this Schedule for the products listed below in prime quality, the amounts indicated:

(i) Carbon steel plates produced to width and length tolerances given in Table III and Table IV of Part III of the A. I. S. I. Carbon Steel Plate Manual—10¢ per 100 lbs.

(ii) Carbon steel hot rolled sheets, and carbon steel hot rolled sheet specialty products which are priced at an extra over the hot rolled sheet base price—10¢ per 100 lbs.

(iii) Galvanized steel sheets, galvanized steel roofing and siding and zinc coated specialty steel sheets other than galvanized—15¢ per 100 lbs.

(iv) Rails, all types and grades—\$3.00 per gross ton.

(v) Nails and staples other than galvanized—25¢ per 100 lbs., except that on all Miscellaneous Nails and Brads having maximum prices based on list prices less published discounts, the increase of 25¢ per 100 lbs. may be added to the maximum delivered prices.

(2) The increases granted in this § 1306.10 (j) shall apply to all shipments made on and after the effective date hereof.

(3) The increases granted in this § 1306.10 (j) may not be added to prices established by individual price adjustment. The companies to which individual price adjustments have heretofore been granted may sell at the prices established in this § 1306.10 (j) or at the prices established by their individual adjustment order, at their option.

(4) The increases granted in this § 1306.10 (j) shall apply only to the products listed in this section in prime quality, and may not be applied to secondary grades of these products.

2. Section 1306.10 (d) is amended by adding subparagraph (4) to read as follows:

(4) For the purpose of computing the maximum delivered prices for secondary or off-grade iron or steel products covered by this paragraph (d), the increases granted by Amendments 11 and 12 to this Schedule shall not be added to such base prices.

3. Section 1306.16 (a) (2) (i) is hereby amended to read as follows:

(i) The export base price of the product quoted by the United States Steel Export Company f. a. s. the port of exit on April 16, 1941, plus applicable export extras, as provided, in this schedule (see Appendix D for such export base prices for principal ports), plus any increases in mill base prices or maximum delivered prices permitted by amendments to Revised Price Schedule No. 6; and

This amendment shall become effective March 1, 1945.

Issued this 1st day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3318; Filed, Mar. 1, 1945;
11:35 a. m.]

PART 1306—IRON AND STEEL

[RPS 49,² Amdt. 29]

RESALE OF IRON AND STEEL PRODUCTS

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Price Schedule No. 49 is amended in the following respects:

1. In § 1306.159, a new subdivision (v) is added to read as follows:

(v) *Additions to certain maximum prices.* Regardless of any other provisions of this schedule, the maximum prices established in paragraph (a), (b), or (c) above for any products for which the mill base prices have been adjusted by Amendment 12 to Revised Price Schedule No. 6, may be increased by the amount of such adjustment; *Provided*, That, in the case of rails, 15 cents per 100 pounds may be added.

2. That portion of § 1306.164 (d) (2) (i) immediately preceding Table B-1 is amended to read as follows:

(i) *Prices at basing point (rate per 100 pounds).* The price at basing point for the various grades of products shall be computed as set forth below. The result should be rounded to the second decimal place: round upward if the third decimal place is 5 or greater; round downward if third place is less than 5; *Provided*, That the mill carload base prices referred to in the following tables are such prices as

established by Revised Price Schedule No. 6 prior to the issuance of Amendments 11 and 12 thereto. They do not include the increases granted by such amendments.

This amendment shall become effective March 1, 1945.

Issued this 1st day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3319; Filed, Mar. 1, 1945;
11:35 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[2d Rev. SR 14,³ Amdt. 3]

PAPER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

In Article IV—Paper, section 4.1 is hereby revoked.

This amendment shall become effective March 1, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3323; Filed, Mar. 1, 1945;
11:36 a. m.]

PART 1375—EXPORT PRICES

[2d Rev. Max. Export Price Reg., Amdt. 15]

IRON AND STEEL PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 8 (a) (2) (i) of the Second Revised Maximum Export Price Regulation is amended to read as follows:

(i) The export base price of the product quoted by the United States Steel Export Company f. a. s. the port of exit on April 16, 1941, plus applicable export extras, as provided in Revised Price Schedule No. 6 (see its Appendix D for such export base prices for principal ports), plus any increases in mill base prices or maximum delivered prices permitted by amendments to Revised Price Schedule No. 6; and

This amendment shall become effective March 1, 1945.

Issued this 1st day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3320; Filed, Mar. 1, 1945;
11:35 a. m.]

¹ 10 F. R. 1154.

¹ 7 F.R. 1215, 2132, 2153, 2299, 2997, 3115, 3941, 4780, 7240, 8948; 8 F.R. 6042, 7257, 6440; 9 F.R. 7601; 10 F.R. 520.

² 8 F.R. 4608, 4542, 7257, 7595, 7769, 7909, 9630, 9750, 13553, 13669; 9 F.R. 604, 1054, 3649, 4390, 4944, 5987, 6505, 8242, 11106.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C, Corr. to Amdt. 91]

MILEAGE RATIONING: GASOLINE REGULATIONS

In paragraph 6 of Amendment No. 91 to Ration Order 5C, the reference "\$ 1394.-8215 (c)" is corrected to read "\$ 1394.8215 (c)".

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 1st day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3225; Filed, Mar. 1, 1945;
11:36 a. m.]

PART 1444—ICE BOXES

[MPR 399, Amdt. 16]

NEW ICE BOXES

A statement of the considerations involved in the issuance of this Amend-

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 399 is amended in the following respects:

1. Section 14, Table A, "Retail Ceiling Prices in Each State for Sales of Ice Boxes by Ice Companies and Retail Establishments Controlled by Ice Companies," is amended by adding ceiling prices for 18 new model ice boxes as set forth below:

TABLE A

Retail ceiling prices in each State for sales of ice boxes by ice companies and retail establishments controlled by ice companies. No amount may be added to these ceiling prices for delivery to the buyer.

Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	D. C.	Fla.	Ga.	Idaho	Ill.
Arctic Refrigerator Company	Arctic	C-65	Lbs. 65	\$34.00	\$34.00	\$35.00	\$34.00	\$35.00	\$34.50	\$34.00	\$34.00	\$34.00	\$34.00	\$34.00	\$35.00	\$34.00
Atkins Table and Cabinet Company	Polar Bear	345	65	36.75	36.75	37.75	36.75	37.75	37.25	36.75	36.75	36.75	36.75	36.75	37.75	36.75
Brunswick Refrigerator Company	Brunswick	490	100	42.50	42.50	44.00	43.00	44.00	43.50	42.50	42.50	42.50	42.50	42.50	44.00	42.50
Dratch's Victory Refrigerator Box	Dratch Victory	500	100	42.00	42.00	43.50	42.50	43.50	43.00	42.00	42.00	42.00	42.00	42.00	43.50	42.00
Fy-Boro Metal Products Co., Inc.	Fy-Boro	315	65	36.50	36.50	37.50	36.50	37.50	37.00	36.50	36.50	36.50	36.50	36.50	37.50	36.50
Iceland Refrigerator Company	Iceland	175	75	37.00	37.00	38.25	37.25	38.25	37.75	37.00	37.00	37.00	37.00	37.00	38.25	37.00
King Refrigerator Company, Inc.	King	3-Princess	75	36.50	36.50	37.75	36.75	37.75	37.50	36.50	36.50	36.50	36.50	36.50	37.75	36.50
King Refrigerator Company, Inc.	King	4-Queen	100	43.00	43.25	45.00	43.75	45.00	44.50	43.00	43.00	43.00	43.25	43.00	45.00	43.00
Precision Metal Products Company	Precision-Kool	18	100	40.75	40.75	42.25	41.25	42.25	41.75	40.75	40.75	40.75	40.75	40.75	42.25	40.75
Precision Metal Products Company	Precision-Kool	76	100	56.50	56.75	58.50	57.25	58.50	58.00	56.50	56.50	56.50	56.75	56.50	58.50	56.50
Maine Manufacturing Company	White Mountain	3057	40	31.75	31.75	32.50	31.75	32.50	32.25	31.75	31.75	31.75	31.75	31.75	32.50	31.75
Maine Manufacturing Company	White Mountain	3058	50	36.75	36.75	37.75	36.75	37.75	37.50	36.75	36.75	36.75	36.75	36.75	37.75	36.75
Maine Manufacturing Company	White Mountain	3059	75	40.75	40.75	42.25	41.25	42.25	42.00	40.75	40.75	40.75	40.75	40.75	42.25	40.75
Maine Manufacturing Company	White Mountain	3258	50	42.50	42.50	43.75	42.75	43.75	43.50	42.50	42.50	42.50	42.50	42.50	43.75	42.50
Maine Manufacturing Company	White Mountain	3259	75	46.50	46.50	48.25	47.00	48.25	47.75	46.50	46.50	46.50	46.50	46.50	48.25	46.50
Sanitary Refrigerator Company	Sanitary	505	50	33.25	33.25	34.25	33.25	34.25	33.50	33.25	33.25	33.25	33.25	33.25	34.25	33.25
Sanitary Refrigerator Company	Sanitary	755	75	50.00	50.25	51.50	50.25	51.50	50.50	50.00	50.00	50.00	50.25	50.25	51.50	50.00
Sanitary Refrigerator Company	Sanitary	855	100	58.75	59.25	61.00	59.25	61.00	59.75	59.25	59.50	59.25	60.25	59.50	61.00	58.75

Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.
Arctic Refrigerator Company	Arctic	C-65	Lbs. 65	\$34.00	\$34.00	\$34.00	\$34.25	\$34.00	\$34.25	\$34.00	\$34.00	\$34.00	\$34.00	\$34.00	\$34.00	\$34.00
Atkins Table and Cabinet Company	Polar Bear	345	65	36.75	36.75	36.75	37.00	36.75	37.00	36.75	36.75	36.75	36.75	36.75	36.75	36.75
Brunswick Refrigerator Company	Brunswick	490	100	42.50	42.50	43.00	43.00	42.50	43.00	42.50	42.50	42.50	42.50	42.50	42.50	42.50
Dratch's Victory Refrigerator Box	Dratch Victory	500	100	42.00	42.00	42.00	42.50	42.00	42.50	42.00	42.00	42.00	42.00	42.25	42.25	42.00
Fy-Boro Metal Products Co., Inc.	Fy-Boro	315	65	36.50	36.50	36.50	36.75	36.50	36.75	36.50	36.50	36.50	36.50	36.50	36.50	36.50
Iceland Refrigerator Company	Iceland	175	75	37.00	37.00	37.00	37.25	37.00	37.50	37.00	37.00	37.00	37.00	37.00	37.25	37.00
King Refrigerator Company, Inc.	King	3-Princess	75	36.50	36.50	36.50	37.00	36.50	37.00	36.50	36.50	36.50	36.50	36.50	36.50	36.50
King Refrigerator Company, Inc.	King	4-Queen	100	43.00	43.00	43.25	43.75	43.00	43.75	43.00	43.00	43.00	43.00	43.50	43.50	43.25
Precision Metal Products Company	Precision-Kool	18	100	40.75	40.75	40.75	41.25	40.75	41.25	40.75	40.75	40.75	40.75	41.00	41.00	40.75
Precision Metal Products Company	Precision-Kool	76	100	56.50	56.50	56.75	57.50	56.50	57.50	56.50	56.50	56.50	56.50	57.00	57.00	56.75
Maine Manufacturing Company	White Mountain	3057	40	31.75	31.75	31.75	31.75	31.75	32.00	31.75	31.75	31.75	31.75	31.75	31.75	31.75
Maine Manufacturing Company	White Mountain	3058	50	36.75	36.75	36.75	37.00	36.75	37.00	36.75	36.75	36.75	36.75	36.75	36.75	36.75
Maine Manufacturing Company	White Mountain	3059	75	40.75	40.75	41.00	41.25	40.75	41.50	40.75	40.75	40.75	40.75	41.00	41.00	40.75
Maine Manufacturing Company	White Mountain	3258	50	42.50	42.50	42.50	43.00	42.50	43.00	42.50	42.50	42.50	42.50	42.50	42.50	42.50
Maine Manufacturing Company	White Mountain	3259	75	46.50	46.50	46.75	47.25	46.50	47.25	46.50	46.50	46.50	46.50	47.00	46.75	46.50
Sanitary Refrigerator Company	Sanitary	505	50	33.25	33.25	33.25	33.25	33.25	33.50	33.25	33.25	33.25	33.25	33.25	33.25	33.25
Sanitary Refrigerator Company	Sanitary	755	75	50.00	50.00	50.00	50.00	50.00	50.50	50.25	50.00	50.25	50.00	50.00	50.25	50.00
Sanitary Refrigerator Company	Sanitary	855	100	58.75	58.75	58.75	59.25	58.75	59.75	59.00	59.25	59.00	58.75	58.75	59.00	58.75

Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Mont.	Nebr.	Nev.	N. H.	N. J.	N. Mex.	N. Y.	N. C.	N. Dak.	Ohio	Okla.	Oreg.
Arctic Refrigerator Company	Arctic	C-65	Lbs. 65	\$34.00	\$35.00	\$34.00	\$35.00	\$34.00	\$34.00	\$35.00	\$34.00	\$34.00	\$34.25	\$34.00	\$34.25	\$35.00
Atkins Table and Cabinet Company	Polar Bear	345	65	36.75	37.75	36.75	37.75	36.75	36.75	37.75	36.75	36.75	37.00	36.75	37.00	37.75
Brunswick Refrigerator Company	Brunswick	490	100	42.50	43.00	43.00	44.00	42.50	42.50	44.00	42.50	42.50	43.25	42.50	43.00	44.00
Dratch's Victory Refrigerator Box	Dratch Victory	500	100	42.00	43.50	43.00	43.50	42.00	42.00	43.50	42.00	42.00	42.75	42.00	42.50	43.50
Fy-Boro Metal Products Co., Inc.	Fy-Boro	315	65	36.50	37.50	36.50	37.50	36.50	36.50	37.50	36.50	36.50	36.75	36.50	36.75	37.50
Iceland Refrigerator Company	Iceland	175	75	37.00	38.25	37.25	38.25	37.00	37.00	38.25	37.00	37.00	37.50	37.00	37.50	38.25
King Refrigerator Company, Inc.	King	3-Princess	75	36.50	37.75	36.75	37.75	36.50	36.50	37.75	36.50	36.50	37.25	36.50	37.00	37.75
King Refrigerator Company, Inc.	King	4-Queen	100	43.00	45.00	43.75	45.00	43.00	43.00	45.00	43.00	43.00	44.00	43.00	44.00	45.00
Precision Metal Products Company	Precision-Kool	18	100	40.75	42.25	41.25	42.25	40.75	40.75	42.25	40.75	40.75	41.50	40.75	41.25	42.25
Precision Metal Products Company	Precision-Kool	76	100	56.50	58.50	57.25	58.50	56.50	56.50	58.50	56.50	56.50	57.75	56.50	57.50	58.50
Maine Manufacturing Company	White Mountain	3057	40	31.75	32.50	31.75	32.50	31.75	31.75	32.50	31.75	31.75	32.00	31.75	31.75	32.50
Maine Manufacturing Company	White Mountain	3058	50	36.75	37.75	37.00	37.75	36.75	36.75	37.75	36.75	36.75	37.25	36.75	37.00	37.75
Maine Manufacturing Company	White Mountain	3059	75	40.75	42.25	41.25	42.25	40.75	40.75	42.25	40.75	40.75	41.50	40.75	41.50	42.25
Maine Manufacturing Company	White Mountain	3258	50	42.50	43.75	43.00	43.75	42.50	42.50	43.75	42.50	42.50	43.25	42.50	43.00	43.75
Maine Manufacturing Company	White Mountain	3259	75	46.50	48.25	47.00	48.25	46.50	46.50	48.25	46.50	46.50	47.50	46.50	47.25	48.25
Sanitary Refrigerator Company	Sanitary	505	50	33.25	34.00	33.25	34.25	33.25	33.25	34.25	33.25	33.25	33.25	33.25	33.25	34.25
Sanitary Refrigerator Company	Sanitary	755	75	50.00	51.25	50.00	51.50	50.00	50.00	51.50	50.25	50.25	50.00	50.00	50.25	51.50
Sanitary Refrigerator Company	Sanitary	855	100	58.75	60.75	59.00	61.00	59.00	59.25	61.00	59.00	59.25	59.50	58.75	59.50	61.00

TABLE A—Continued

Retail ceiling prices in each State for sales of ice boxes by ice companies and retail establishments controlled by ice companies. No amount may be added to these ceiling prices for delivery to the buyer.

Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Pa.	R. I.	S. C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.
			Lbs.														
Arctic Refrigerator Company	Arctic	C-65	65	\$34.00	\$34.00	\$34.00	\$34.00	\$34.25	\$34.00	\$34.50	\$35.00	\$34.00	\$34.00	\$35.00	\$34.00	\$34.00	\$34.50
Atkins Table and Cabinet Company	Polar Bear	345	65	36.75	36.75	36.75	36.75	37.00	36.75	37.25	37.75	36.75	36.75	37.75	36.75	36.75	37.25
Brunswick Refrigerator Company	Brunswick	490	100	42.50	42.50	42.50	42.50	43.25	42.50	43.50	44.00	42.50	42.50	44.00	42.50	42.50	43.75
Dratch's Victory Refrigerator Box	Dratch Victory	500	100	42.00	42.00	42.00	42.00	42.75	42.00	43.00	43.50	42.00	42.00	43.50	42.00	42.00	43.25
Fy-Boro Metal Products Co., Inc.	Fy-Boro	315	65	36.50	36.50	36.50	36.50	36.75	36.50	37.00	37.50	36.50	36.50	37.50	36.50	36.50	37.00
Iceland Refrigerator Company	Iceland	175	75	37.00	37.00	37.00	37.00	37.50	37.00	37.75	38.25	37.00	37.00	38.25	37.00	37.00	38.00
King Refrigerator Company, Inc.	King	3-Princess	75	36.50	36.50	36.50	36.50	37.00	36.50	37.25	37.75	36.50	36.50	37.75	36.50	36.50	37.50
King Refrigerator Company, Inc.	King	4-Queen	100	43.00	43.00	43.00	43.00	44.00	43.25	44.25	45.00	43.00	43.00	45.00	43.00	43.00	44.50
Precision Metal Products Company	Precision-Kool	18	100	40.75	40.75	40.75	40.75	41.50	40.75	41.75	42.25	40.75	40.75	42.25	40.75	40.75	42.00
Precision Metal Products Company	Precision-Kool	78	100	56.50	56.50	56.50	56.50	57.50	56.75	57.75	58.50	56.50	56.50	58.50	56.50	56.50	58.00
Maine Manufacturing Company	White Mountain	3057	40	31.75	31.75	31.75	31.75	32.00	31.75	32.00	32.50	31.75	31.75	32.50	31.75	31.75	32.25
Maine Manufacturing Company	White Mountain	3058	50	36.75	36.75	36.75	36.75	37.25	36.75	37.25	37.75	36.75	36.75	37.75	36.75	36.75	37.50
Maine Manufacturing Company	White Mountain	3059	75	40.75	40.75	40.75	40.75	41.50	40.75	41.75	42.25	40.75	40.75	42.25	40.75	40.75	42.00
Maine Manufacturing Company	White Mountain	3258	50	42.50	42.50	42.50	42.50	43.00	42.50	43.25	43.75	42.50	42.50	43.75	42.50	42.50	43.50
Maine Manufacturing Company	White Mountain	3259	75	46.50	46.50	46.50	46.50	47.25	46.50	47.50	48.25	46.50	46.50	48.25	46.50	46.50	47.75
Sanitary Refrigerator Company	Sanitary	505	50	33.25	33.25	33.25	33.25	33.50	33.25	33.75	34.25	33.25	33.25	34.25	33.25	33.25	33.75
Sanitary Refrigerator Company	Sanitary	755	75	50.00	50.00	50.00	50.00	50.25	50.00	50.75	51.25	50.25	50.25	51.50	50.00	50.00	50.75
Sanitary Refrigerator Company	Sanitary	855	100	58.75	59.00	59.50	59.75	59.25	59.00	60.00	61.00	59.50	59.25	61.00	59.00	58.75	60.00

2. Section 15, Table B, (2) is amended by adding ceiling prices for one new model ice box as set forth below:

TABLE B

Retail ceiling prices for sales of ice boxes by mail order houses when selling from a mail order catalog. These ceiling prices are f. o. b. warehouse shipping point.

Manufacturer	Brand	Model	Rated ice capacity (pounds)	F. o. b. factory	F. o. b. warehouse shipping point									
					Los Angeles	Seattle	Kansas City	Atlanta	Memphis	Dallas	Phila- delphia	Boston	Chicago	Minne- apolis
Sears, Roebuck.....	Sears.....	912.....	75	\$52.75	\$55.87	\$55.87	\$53.82	\$54.57	\$54.57	\$54.57	\$54.71	\$54.77	\$52.75	\$52.75

3. Section 16, Table C, "Ceiling Prices in Each State for all Other Sales of Ice Boxes at Retail" is amended by adding ceiling prices for 18 new model ice boxes as set forth below:

TABLE C

Ceiling prices in each state for all other sales of ice boxes at retail. No amount may be added to these ceiling prices for delivery to the buyer.

Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	D. C.	Fla.	Ga.	Ia.	Ill.
			Lbs.													
Arctic Refrigerator Company	Arctic	C-65	65	\$38.50	\$39.50	\$40.75	\$40.00	\$40.75	\$40.50	\$39.00	\$39.00	\$40.00	\$39.75	\$39.50	\$40.75	\$39.50
Atkins Table and Cabinet Company	Polar Bear	345	65	41.50	42.50	43.75	43.00	43.75	43.50	42.00	42.00	42.00	42.75	42.50	43.75	42.50
Brunswick Refrigerator Company	Brunswick	490	100	47.95	49.00	51.00	49.75	51.00	50.50	48.50	48.50	48.50	49.50	49.25	51.00	49.25
Dratch's Victory Refrigerator Box	Dratch Victory	500	100	47.50	49.00	50.50	49.25	50.50	50.00	48.00	48.00	48.25	49.00	48.75	50.50	48.75
Fy-Boro Metal Products Company, Inc.	Fy-Boro	315	65	41.25	42.25	43.50	42.75	43.50	43.25	41.75	41.75	41.75	42.50	42.25	43.50	42.25
Iceland Refrigerator Company	Iceland	175	75	41.75	43.00	44.50	43.25	44.50	44.00	42.25	42.25	42.25	43.00	42.75	44.50	43.00
King Refrigerator Company, Inc.	King	3-Princess	75	41.25	42.50	44.00	43.00	44.00	43.50	41.75	41.75	41.75	42.50	42.25	44.00	42.50
King Refrigerator Company, Inc.	King	4-Queen	100	48.50	50.00	52.00	50.50	52.00	51.25	49.00	49.25	49.25	50.25	50.00	52.00	50.00
Precision Metal Products Company	Precision-Kool	18	100	45.95	47.25	49.00	47.75	49.00	48.50	46.50	46.50	46.50	47.50	47.25	49.00	47.25
Precision Metal Products Company	Precision-Kool	78	100	63.75	65.00	67.25	65.75	67.25	66.75	64.50	64.50	64.50	65.50	65.25	67.25	65.25
Maine Manufacturing Company	White Mountain	3057	40	35.95	37.00	38.00	37.25	38.00	37.75	36.25	36.25	36.25	37.00	37.00	38.00	37.00
Maine Manufacturing Company	White Mountain	3058	50	41.50	42.75	44.00	43.00	44.00	43.50	42.00	42.25	42.25	42.75	42.50	44.00	42.50
Maine Manufacturing Company	White Mountain	3059	75	45.95	47.50	49.00	47.75	49.00	48.50	46.50	46.75	46.75	47.50	47.25	49.00	47.25
Maine Manufacturing Company	White Mountain	3258	50	47.95	49.25	50.75	49.50	50.75	50.25	48.50	48.75	48.75	49.25	49.25	50.75	49.25
Maine Manufacturing Company	White Mountain	3259	75	52.50	54.00	55.50	54.25	55.50	55.00	53.00	53.25	53.25	54.00	54.00	55.50	53.75
Sanitary Refrigerator Company	Sanitary	505	50	37.25	38.50	39.75	38.50	39.75	39.00	38.50	38.50	38.50	39.00	38.75	39.75	38.00
Sanitary Refrigerator Company	Sanitary	755	75	56.25	57.75	59.25	57.75	59.25	58.25	57.75	57.75	57.75	58.50	58.00	59.00	57.25
Sanitary Refrigerator Company	Sanitary	855	100	65.95	68.00	69.75	68.00	69.75	68.50	68.00	68.00	67.75	68.75	68.25	69.50	67.25

Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.
			Lbs.													
Arctic Refrigerator Company	Arctic	C-65	65	\$38.50	\$39.50	\$39.75	\$40.00	\$39.50	\$40.00	\$39.25	\$39.00	\$39.00	\$39.25	\$39.75	\$39.75	\$39.75
Atkins Table and Cabinet Company	Polar Bear	345	65	41.50	42.50	42.75	43.00	42.50	43.00	42.25	42.00	42.00	42.25	42.75	42.75	42.75
Brunswick Refrigerator Company	Brunswick	490	100	47.95	49.00	49.50	50.00	49.00	50.00	48.75	48.50	48.50	49.00	49.75	49.50	49.25
Dratch's Victory Refrigerator Box	Dratch Victory	500	100	47.50	48.50	49.00	49.50	48.75	49.50	48.50	48.00	48.25	48.50	49.25	49.00	49.00
Fy-Boro Metal Products Company, Inc.	Fy-Boro	315	65	41.25	42.25	42.50	42.75	42.25	42.75	42.00	41.75	41.75	42.00	42.50	42.50	42.50
Iceland Refrigerator Company	Iceland	175	75	41.75	42.75	43.00	43.50	42.75	43.50	42.50	42.25	42.25	42.75	43.25	43.25	43.00
King Refrigerator Company, Inc.	King	3-Princess	75	41.25	42.25	42.50	43.00	42.25	43.00	42.00	41.75	41.75	42.25	42.75	42.75	42.50
King Refrigerator Company, Inc.	King	4-Queen	100	48.50	49.75	50.25	50.75	49.75	50.75	49.50	49.25	49.25	49.75	50.50	50.25	50.00
Precision Metal Products Company	Precision-Kool	18	100	45.95	47.00	47.50	48.00	47.00	48.00	46.75	46.50	46.50	47.00	47.75	47.50	47.25
Precision Metal Products Company	Precision-Kool	78	100	63.75	65.00	65.50	66.00	65.00	66.00	64.75	64.50	64.50	65.00	65.75	65.50	65.50
Maine Manufacturing Company	White Mountain	3057	40	35.95	36.75	37.00	37.50	37.00	37.50	36.50	36.50	36.25	36.75	37.25	37.25	37.00
Maine Manufacturing Company	White Mountain	3058	50	41.50	42.50	42.75	43.25	42.50	43.25	42.00	42.25	41.75	42.50	43.00	42.75	42.75
Maine Manufacturing Company	White Mountain	3059	75	45.95	47.00	47.50	48.00	47.25	48.00	46.50	46.75	46.25	47.00	47.75	47.50	47.50
Maine Manufacturing Company	White Mountain	3258	50	47.95	49.00	49.25	49.75	49.25	49.75	48.50	48.75	48.25	49.00	49.50	49.50	49.25
Maine Manufacturing Company	White Mountain	3259	75	52.50	53.75	54.00	54.50	53.75	54.75	53.00	53.25	53.25	53.75	54.25	54.00	54.00
Sanitary Refrigerator Company	Sanitary	505	50	37.25	38.00	38.00	38.50	38.25	39.00	38.75	38.50	38.50	37.75	38.00	38.75	38.25
Sanitary Refrigerator Company	Sanitary	755	75	56.25	57.25	57.25	57.75	57.25	58.25	58.00	57.75	57.75	57.00	57.25	57.75	57.25
Sanitary Refrigerator Company	Sanitary	855	100	65.95	67.00	67.25	67.75	67.25	68.50	68.25	67.75	68.00	67.00	67.25	68.00	67.25

TABLE C—Continued

Ceiling prices in each State for all other sales of ice boxes at retail. No amount may be added to these ceiling prices for delivery to the buyer.

Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Mont.	Nebr.	Nev.	N. H.	N. J.	N. Mex.	N. Y.	N. C.	N. Dak.	Ohio	Okla.	Oreg.
Arctic Refrigerator Company	Arctic	C-65	Lbs. 65	\$38.50	\$40.75	\$40.00	\$40.75	\$39.00	\$38.75	\$40.75	\$39.00	\$39.25	\$40.25	\$39.25	\$40.00	\$40.75
Atkins Table and Cabinet Company	Polar Bear	345	65	41.50	43.75	43.00	43.75	42.00	41.75	43.75	42.00	42.25	43.25	42.25	43.00	43.75
Brunswick Refrigerator Company	Brunswick	490	100	47.95	51.00	49.75	51.00	48.75	48.25	51.00	48.50	49.00	50.25	49.00	50.00	51.00
Dratch's Victory Refrigerator Box	Dratch Victory	500	100	47.50	50.50	49.50	50.50	48.25	48.00	50.50	48.25	48.50	49.75	48.50	49.50	50.50
Fy-Boro Metal Products Company, Inc.	Fy-Boro	315	65	41.25	43.50	42.75	43.50	41.75	41.50	43.50	41.75	42.00	43.00	42.00	42.75	43.50
Iceland Refrigerator Company	Iceland	175	75	41.75	44.50	43.50	44.50	42.50	42.00	44.50	42.25	42.50	43.75	42.75	43.50	44.50
King Refrigerator Company, Inc.	King	3-Princess	75	41.25	44.00	43.00	44.00	42.00	41.50	44.00	41.75	42.00	43.25	42.25	43.00	44.00
King Refrigerator Company, Inc.	King	4-Queen	100	48.50	52.00	50.75	52.00	49.25	49.00	52.00	49.25	49.50	51.00	49.50	50.75	52.00
Precision Metal Products Company	Precision-Kool	18	100	45.95	49.00	47.75	49.00	46.75	46.25	49.00	46.00	47.00	48.25	47.00	48.00	49.00
Precision Metal Products Company	Precision-Kool	76	100	63.75	67.25	66.00	67.25	64.50	64.25	67.25	64.50	64.75	66.25	65.00	66.00	67.25
Maine Manufacturing Company	White Mountain	3057	40	35.95	38.00	37.50	38.00	36.25	36.50	38.00	36.50	36.75	37.50	36.75	37.50	38.00
Maine Manufacturing Company	White Mountain	3058	50	41.50	44.00	43.00	44.00	41.75	42.00	44.00	42.00	42.25	43.25	42.50	43.25	44.00
Maine Manufacturing Company	White Mountain	3059	75	45.95	49.00	47.75	49.00	46.75	46.25	49.00	46.00	47.00	48.25	47.00	48.00	49.00
Maine Manufacturing Company	White Mountain	3258	50	47.95	50.75	49.75	50.75	48.25	48.50	50.75	48.50	48.75	50.00	49.00	49.75	50.75
Maine Manufacturing Company	White Mountain	3259	75	52.50	55.50	54.50	55.50	52.75	53.25	55.50	53.25	53.50	54.75	53.50	54.50	55.50
Sanitary Refrigerator Company	Sanitary	505	50	37.25	39.50	38.50	39.75	38.50	38.50	39.75	38.50	38.50	39.75	38.25	39.75	39.75
Sanitary Refrigerator Company	Sanitary	755	75	56.25	58.75	57.50	59.25	57.75	57.75	59.25	57.50	57.50	58.75	57.25	58.00	59.25
Sanitary Refrigerator Company	Sanitary	855	100	65.95	69.25	67.75	69.75	68.00	68.00	69.75	67.75	68.00	69.25	67.25	68.25	69.75

Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Pa.	R. I.	S. C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.
Arctic Refrigerator Company	Arctic	C-65	Lbs. 65	\$38.50	\$39.00	\$39.00	\$39.50	\$40.25	\$39.50	\$40.25	\$40.75	\$39.00	\$39.00	\$40.75	\$39.25	\$39.50	\$40.50
Atkins Table and Cabinet Company	Polar Bear	345	65	41.50	42.00	42.00	42.50	43.25	42.50	43.25	43.75	42.00	42.00	43.75	42.25	42.50	43.50
Brunswick Refrigerator Company	Brunswick	490	100	47.95	48.50	48.50	49.00	50.00	49.25	50.25	51.00	48.50	48.75	51.00	48.75	49.25	50.50
Dratch's Victory Refrigerator Box	Dratch Victory	500	100	47.50	48.25	48.25	48.50	49.50	49.00	49.75	50.50	48.25	48.25	50.50	48.25	48.75	50.00
Fy-Boro Metal Products Company, Inc.	Fy-Boro	315	65	41.25	41.75	41.75	42.25	43.00	42.25	43.00	43.50	41.75	41.75	43.50	42.00	42.25	43.25
Iceland Refrigerator Company	Iceland	175	75	41.75	42.25	42.25	42.75	43.75	43.00	43.75	44.50	42.25	42.50	44.50	42.50	43.00	44.00
King Refrigerator Company, Inc.	King	3-Princess	75	41.25	41.75	41.75	42.25	43.25	42.50	43.25	44.00	41.75	42.00	44.00	42.00	42.50	43.50
King Refrigerator Company, Inc.	King	4-Queen	100	48.50	49.25	49.25	49.75	51.00	50.00	51.00	52.00	49.25	49.25	52.00	49.50	50.00	51.25
Precision Metal Products Company	Precision-Kool	18	100	45.95	46.50	46.50	47.00	48.00	47.25	48.25	49.00	46.50	46.75	49.00	46.75	47.25	48.50
Precision Metal Products Company	Precision-Kool	76	100	63.75	64.50	64.50	65.00	66.25	65.25	66.50	67.25	64.50	64.50	67.25	64.75	65.25	66.75
Maine Manufacturing Company	White Mountain	3057	40	35.95	36.50	36.25	36.75	37.50	37.00	37.75	38.00	36.50	36.75	38.00	36.75	37.00	37.75
Maine Manufacturing Company	White Mountain	3058	50	41.50	42.25	42.00	42.50	43.25	42.75	43.50	44.00	42.00	42.25	44.00	42.25	42.50	43.50
Maine Manufacturing Company	White Mountain	3059	75	45.95	46.75	46.50	47.25	48.00	47.50	48.25	49.00	46.50	46.75	49.00	47.00	47.25	48.50
Maine Manufacturing Company	White Mountain	3258	50	47.95	48.75	48.50	49.00	50.00	49.25	50.00	50.75	48.50	48.75	50.75	49.00	49.00	50.25
Maine Manufacturing Company	White Mountain	3259	75	52.50	53.50	53.00	53.75	54.75	54.00	55.00	55.50	53.00	53.50	55.50	53.75	53.75	55.00
Sanitary Refrigerator Company	Sanitary	505	50	37.25	38.25	38.50	38.75	38.50	38.25	39.00	39.50	38.50	38.50	39.75	38.25	37.75	39.00
Sanitary Refrigerator Company	Sanitary	755	75	56.25	57.50	57.75	58.00	57.75	57.50	58.25	59.00	57.75	57.75	59.25	57.50	57.50	58.25
Sanitary Refrigerator Company	Sanitary	855	100	65.95	67.50	68.00	68.25	67.75	67.50	68.75	69.50	68.00	68.00	69.75	67.50	68.75	69.50

This amendment shall become effective on the 6th day of March 1945.

Issued this 1st day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3321; Filed, Mar. 1, 1945;
11:35 a. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 1, Amdt. 3]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION BY DINING CARS

A statement of the considerations involved in the issuance of this Amendment 3 to Restaurant Maximum Price Regulation 1 has been issued simultaneously herewith and filed with the Division of the Federal Register.

Restaurant Maximum Price Regulation 1 is amended in the following respects:

Appendix A (b) is amended to read as follows:

(b) Food items and prices.

Sandwiches:	
All sandwiches (except as noted below)	\$0.15
Beverages:	
1. Coffee, per cup	.10
2. Milk, per bottle (not less than 1/2 pt.)	.10

Beverages—Continued.

3. Soft drinks, including coca-cola, pepsi-cola, etc. \$0.10

Desserts:

- Individual and sliced pies, portion .10
- Doughnuts (2), cup cakes (2) .10
- Cookies, per package (except as noted below)² .10
- Ice cream, sherbets and fruit ices (except as noted below)¹ .10
- Fruits, including fresh apples and oranges (except as noted below)¹ .10

Miscellaneous:

- Candies and Chocolates, bars and pieces (except as noted below)² .10
- Potato Chips, per package .10

¹ If a proprietor sold a particular type of sandwich at a price higher than 15¢ or a particular quantity of ice cream, figs, dates, or grapes at more than 10¢ during the base period, he may continue to sell it at such higher price provided the price is clearly marked on the wrapper in the following manner: "OPA ceiling price -----¢"

² If a proprietor sold a particular type and quantity of cookies, candies or chocolates at a price higher than 10¢ during the base period, he may continue to sell it at such higher price, if the price is clearly marked on the wrapper in the following manner: "OPA ceiling price -----¢", and if the proprietor at the same time offers to sell cookies, candies or chocolates (for whichever a higher price is being charged) at 10¢ or less. ("Chocolates" includes chocolate bars, chocolate coated bars and chocolate coated candies.)

This amendment shall become effective March 6, 1945.

Issued this 1st day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3322; Filed, Mar. 1, 1945;
11:36 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1, Incl. Amdts. 1-93]

EXCEPTIONS OF COMMODITY TRANSACTIONS FROM THE GENERAL MAXIMUM PRICE REGULATION¹

This compilation of Revised Supplementary Regulation No. 1 includes Amendment 93, effective March 6, 1945. The text added by Amendment 93 is underscored.

A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.²

§ 1499.26 *Exceptions of commodity transactions from the General Maximum*

¹ 9 F.R. 3581.

² 9 F.R. 1385, 5169, 6106, 8150, 10193, 11274.

³ Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

Price Regulation. Under the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Revised Supplementary Regulation No. 1 (Exceptions of Commodity Transactions from the General Maximum Price Regulation), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1499.26 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

ARTICLE I—EXPLANATORY AND GENERAL PROVISIONS

Sec.

- 1.1 What this regulation covers.
- 1.2 What this regulation does not cover.
- 1.3 Regulations revoked.
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ARTICLE II—EXCEPTION OF SPECIFIC COMMODITIES

- 2.1 Basis of classification in this article.
- 2.2 Exception granted.
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- 2.4 Products having editorial or informational content.
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- 2.8 Machinery, tools and equipment.
- 2.9 Metals and minerals.
- 2.10 Forest products, lumber and building materials.
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ARTICLE III—EXCEPTION OF TRANSACTIONS OF A GENERAL NATURE

- 3.1 Basis of classification in this article.
- 3.2 Transactions excepted.

ARTICLE IV—EXCEPTION OF SALES TO GOVERNMENT AGENCIES

- 4.1 Basis of classification in this article.
- 4.2 Exception of sales to the United States or any of its agencies.
- 4.3 Exception of sales to the United States or its agencies or to certain foreign governments or their agencies.
- 4.4 Exception of sales pursuant to developmental contracts or subcontracts.
- 4.5 Exception of sales to Metals Reserve Company or its agents.
- 4.6 Exception of sales to specified government agencies.

ARTICLE V—EXCEPTION OF SALES BY GOVERNMENT AGENCIES

- 5.1 Basis of classification in this article.
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APPENDIX A—TABLES OF CROSS-REFERENCES

- Table I. Former Provisions of the General Maximum Price Regulation.
- Table II. Former Provisions of Supplementary Regulation No. 1.
- Table III. Former Provisions of Revised Supplementary Regulation No. 4.
- Table IV. Provisions of Revised Supplementary Regulation No. 12.

ARTICLE I—EXPLANATORY AND GENERAL PROVISIONS

SECTION 1.1 What this regulation covers. Exceptions of commodity transactions from the General Maximum Price Regulation are collected in this regulation. It brings together, restates and reclassifies the exceptions of commodity transactions (other than those which

have become obsolete) previously contained in § 1499.9 of the General Maximum Price Regulation and in Supplementary Regulation No. 1 (Exceptions for Certain Commodities, Certain Sales and Deliveries, and Certain Services) and Revised Supplementary Regulation No. 4 (Exceptions of Sales to United States Agencies). It incorporates two exceptions which are also stated in Revised Supplementary Regulation No. 12 (Sales and Deliveries of Imported Commodities). This regulation does not, as of the date issued, make any new exception or terminate or otherwise change the operative effect of any of these exceptions but merely consolidates and continues them in effect. Other exceptions of commodity transactions may be added from time to time.

SEC. 1.2 What this regulation does not cover. This regulation being limited to exceptions from the General Maximum Price Regulation, does not incorporate exceptions which are stated in other price regulations. The commodity transactions listed in subsequent articles of this regulation, while excepted from the General Maximum Price Regulation, are of course subject to any other price regulations which apply to them. Services excepted from the General Maximum Price Regulation are not within the scope of this regulation but are collected in Revised Supplementary Regulation No. 11.⁴ Those service exceptions formerly contained in Supplementary Regulation No. 1 and Revised Supplementary Regulation No. 4 are being transferred to Revised Supplementary Regulation No. 11 simultaneously with issuance of this regulation.

SEC. 1.3 Regulations revoked. Supplementary Regulation No. 1 and Revised Supplementary Regulation No. 4, being superseded by this regulation, are hereby revoked. Supplementary Regulation No. 7, being obsolete, is also hereby revoked. § 1499.9 of the General Maximum Price Regulation is not being revoked but is being amended simultaneously herewith so as to remove therefrom the exceptions now incorporated herein.

SEC. 1.4 Cross-reference to superseded provisions. Tables are set forth in Appendix A of this regulation, showing the counterpart in this regulation or elsewhere of the exceptions heretofore contained in § 1499.9 of the General Maximum Price Regulation and in Supplementary Regulations Nos. 1, 4 (revised) and 7 and also the exceptions incorporated herein from Revised Supplementary Regulation No. 12. Reference in any price regulation or other document to any such provision shall be deemed reference to its counterpart, if any, in this or any other regulation.

SEC. 1.5 Definitions. Terms used in this regulation shall, unless differently defined herein or unless the context requires a different meaning, have the same meaning as when used in the General Maximum Price Regulation.

⁴ 9 F.R. 4775, 5314, 5441, 5722, 7020, 8145, 10778, 13211.

ARTICLE II—EXCEPTION OF SPECIFIC COMMODITIES

SEC. 2.1 Basis of classification in this article. The exceptions stated in this article, classified according to commodity group, are those which are based primarily upon the identity or character of the commodity or class of commodities rather than upon the nature of the transaction or of the parties thereto.

SEC. 2.2 Exception granted. Sales and deliveries of the commodities set forth in subsequent sections of this article are excepted from the General Maximum Price Regulation either absolutely or, where the exception is qualified, under the conditions and to the extent indicated.

SEC. 2.3 Foods, feeds, and beverages. The exception stated above in section 2.2 extends to the following:

- (a) Green coffee sold in Puerto Rico.
- (b) Revoked.

[Paragraph (b) revoked by Am. 45, 9 F.R. 797, effective 1-26-44]

(c) Citrus fruit segments or pieces, whether or not hermetically sealed in containers; citrus juices or blends thereof, whether or not hermetically sealed in containers; concentrated citrus juices; citrus flavoring base concentrates; citrus flavored beverage syrups; citrus pulp; citrus marmalade base; crushed citrus fruit, and shredded, minced, sliced or diced citrus fruit or citrus peel (except candied or sugared peel), whether or not hermetically sealed in containers.⁵

"Concentrated citrus juice" means the product resulting from the removal of at least 80 percent by volume of the water from, but containing all the solids of, the natural citrus juice from which it is made.

"Citrus flavoring base concentrate" means a food flavoring consisting of concentrated or natural strength citrus juice, citrus oils, sugar in any form, with or without other flavoring substances and with or without the addition of acidulant, coloring or water.

"Citrus flavored beverage syrup" means the product consisting of citrus flavoring base concentrate with added sugar syrup and requiring only the addition of water to produce a finished beverage.

[Paragraph (c) amended by Am. 72, 9 F.R. 10262, effective 8-26-44]

(d) (1) All milk products, including butter, cheese, condensed and evaporated milk, ice cream mix, ice cream, ice milk, powdered milk, casein, malted milk powder and any other commodity which is processed or manufactured from cows' milk and composed of milk ingredients constituting more than fifty per cent by weight or volume; but this exception shall not extend to fluid milk or cream sold at wholesale or retail. The term "sold at wholesale," as here used, refers to the sale, by any person, of fluid milk or cream in bottles or paper containers,

⁵ Orange juice, grapefruit juice, their blends and grapefruit segments, though exempt from GMFR, are covered by Supplement 5 to Food Products Regulation 1.

to any person, including an industrial or commercial user, other than the ultimate consumer.

(2) Sherbet, ice and combinations and imitations of ice cream mix, ice cream, ice milk, sherbet or ice.

[Paragraph (d) amended by Am. 91, 10 F.R. 1974, effective 2-15-45]

(e) Sliced and peeled apples.

(f) Dried apple pomace, i. e., the sound dried residue obtained by removing cider from apples.

(g) Bland apple syrup, i. e., the product obtained by removing or neutralizing the malic acid from pure apple juice, and concentrating, after slightly reacidifying, by heating under reduced pressure to the extent that the product meets a minimum test of 40 degrees Baumé.

(h) Eggs and poultry.

(i) Fresh fish and sea food and game.

(j) Leaf tobacco (whether dried or green); stemmed tobacco leaf irrespective of cutting incidental and preliminary to stemming or cigar making; and tobacco stems sold as such.

(k) All nuts.

(l) Linseed oil.

(m) Mixed seeds for house pet birds.

(n) Animal and poultry tonics, condiments, medicants and other special foods not used as the entire normal or customary diet for animals or poultry but for necessary special treatment or care.

(o) Ground grain feed, i. e., grains and seeds which are pulverized, cracked, crushed or otherwise milled to prepare the whole grains and seeds for use only as animal feeds.

(p) *Excepted grain products.* (1) The following products when neither further processed nor packaged. The term "packaged," as here used, means packaged for sale at retail, in a container holding three pounds or less, provided such packaging takes place before delivery to the retail establishment. The term "ground," as used below in describing these products, means crushed, cracked, rolled, ground, flaked or pulverized; but a product is "ground" and not "further processed" although subjected to processes such as steaming, which are incidental to grinding, as distinguished from other processes not merely incidental to grinding:

(i) The following wheat products: ground wheat, malted wheat, heavy bran flakes.

(ii) The following barley products: pearled barley, ground pearled barley, hulled barley, malted barley, ground barley, barley middlings, barley grits.

(iii) The following oat products: groats, hulled oats, ground groats, rolled hulled oats (table or feeding), cereal oats, ground oats, oat middlings. The term "oat products" does not include rolled oats for human consumption.

(iv) The following rye products: malted rye, ground rye, rye grits, rye middlings, the ground and unground by-products of the production of rye grits.

(v) The following soybean products: ground soybeans, ground soybean grits, the ground or unground by-products of soybean grits.

(vi) The following buckwheat products: ground buckwheat, buckwheat groats, ground buckwheat groats, buck-

wheat grits, buckwheat middlings, ground or unground by-products of the production of buckwheat grits.

(vii) The following grain sorghum products: ground grain sorghums, grain sorghum grits, ground or unground by-products of the production of grain sorghum grits.

(viii) The following cottonseed products: ground cottonseed, cottonseed grits.

(ix) The following peanut products: ground peanuts, peanut grits.

(2) All sales of corn products of the dry corn milling process except sales by wagon wholesalers as defined in Maximum Price Regulation 305.*

(3) Wallpaper paste at least 90 percent composed of the products of the dry milling industry derived from wheat or corn.

(4) Corebinder.

(5) Wild rice.

[Paragraph (p) amended by Am. 10, 8 F.R. 7592, effective 6-10-43; Am. 18, 8 F.R. 9218, effective 7-10-43; Am. 25, 8 F.R. 11738, effective 8-28-43; Am. 33, 8 F.R. 14819, effective 11-4-43; Am. 62, 9 F.R. 7524, effective 7-10-44; Am. 68, 9 F.R. 8829, effective 7-27-44; Am. 77, 9 F.R. 10926, effective 9-6-44; and Am. 81, 9 F.R. 12597, effective 10-23-44]

(q) Flour produced from wheat, rye, buckwheat, rice, corn, oats, barley, soybeans, potatoes, cottonseed, peanuts, malted wheat; combinations of flours produced from these commodities; and bleached, bromated, enriched, phosphated and self-rising flours. "Flour produced from wheat" means:

[Above paragraph amended by Am. 58, 9 F.R. 7020, effective 6-28-44; and Am. 61, 9 F.R. 7077, effective 6-30-44]

(1) Any product of the milling of wheat, other than durum wheat, whose ash content is not more than 1/20th of the protein calculated to a moisture-free basis plus .35, except that farina shall not be considered flour produced from wheat;

(2) Any product of the milling of durum wheat whose ash content, calculated to a moisture-free basis, is not more than 1.5%, except that semolina shall not be considered flour produced from wheat;

(3) Whole wheat flour;

(4) Whole durum wheat flour; and

(5) Blends of the foregoing flours produced from wheat.

NOTE: In determining whether the ash content of bleached, bromated, enriched, phosphated and self-rising flours complies with the above ash requirements, allowances shall be made for the increase in the ash content resulting from the addition of the bleaching, bromating, enriching, phosphating and self-rising ingredients.

(r) [Revoked]

[Paragraph (r) revoked by Am. 84, 9 F.R. 13761, effective 11-21-44]

(s) Flint and granite grit and crushed granite for poultry feeding.

[Paragraph (s) added by Am. 7, 8 F.R. 7261, effective 6-3-43; amended by Am. 29, 8 F.R. 12793, effective 9-23-43]

* 8 F.R. 1063, 2501, 3178, 3705, 5316, 6177, 6440, 7567, 16297, 16790; 9 F.R. 3072, 4224, 5827, 6109, 10925, 12173.

(t) Artichoke hearts in wine vinegar.

[Paragraph (t) added by Am. 15, 8 F.R. 8754, effective 6-30-43]

(u) Sorghum syrup (sorghum molasses).

[Paragraph (u) added by Am. 35, 8 F.R. 15432, effective 11-15-43]

(v) Vitamin enriched concentrates when used exclusively for enriching wheat flour in the manner provided for in the definition and standard of identity for enriched flour as promulgated by the Federal Security Administrator.

[Paragraph (v) added by Am. 57, 9 F.R. 5996, effective 6-6-44]

(w) Corn cobs and ground corn cobs.

[Paragraph (w) added by Am. 62, 9 F.R. 7524, effective 7-10-44]

(x) Mixed chopped fresh vegetables.

[Paragraph (x) added by Am. 87, 9 F.R. 14839, effective 12-23-44]

(y) Roasted sunflower seeds for human consumption.

[Paragraph (y) added by Am. 93, effective 3-6-45]

SEC. 2.4 *Products having editorial or informational content.* The exception stated above in section 2.2 extends to the following:

(a) Books, magazines, motion pictures, periodicals, newspapers, materials furnished for publication by any press association or feature service, pamphlets, leaflets, sheet music, music rolls, stamp albums, maps, globes, charts, catalogs, directories, programs, house organs, menus, advertising matter printed on paper (except such articles as containers, labels and book matches, the form of which serves a purpose other than that of advertising), time tables, tariffs and price lists: *Provided, however,* That this exception shall not include any commodity listed in Appendix A (§ 1347.475) to Maximum Price Regulation No. 225.¹

(b) The commodities listed in Appendix A (§ 1347.475) to Maximum Price Regulation No. 225 when sold or delivered by persons engaged primarily in the business of publishing, printing, typesetting, platemaking, binding, or rendering related services, or any combination thereof, whose total gross sales in 1941 of printed papers and printed paper products and services rendered in connection therewith did not exceed \$20,000.

[Section heading and paragraph (a) amended by Am. 59, 9 F.R. 6570, effective 6-19-44]

SEC. 2.5 *Chemicals, drugs and paints.* The exception stated above in section 2.2 extends to the following:

(a) Hog cholera virus and anti-hog cholera serum (products used in the immunization of swine against hog cholera), manufactured and marketed in compliance with the standards and regulations promulgated by the United States Department of Agriculture, or manufactured in a similar manner and for an identical purpose under license or authority of any State or otherwise and marketed in interstate or foreign com-

¹ 9 F.R. 8297.

merce or so as directly to burden, obstruct or affect interstate or foreign commerce.

(b) Aviation gasoline and components, synthetic rubber and components, toluene manufactured from petroleum, and agricultural components used in the manufacture of furfural, as set forth below:

[Paragraph (b) amended by Am. 16, 8 F.R. 9025, effective 7-6-43]

(1) Aviation gasoline of 87 octane rating or higher and, to the extent sold or delivered for use in the manufacture thereof, all components of aviation gasoline of 87 octane rating or higher, including but not limited to alkylate, neo-hexane, iso-octane, hydricodimers, isomate, and hot acid octanes; iso-pentane, iso-butane, normal butane and butyl-ene; and aromatic hydrocarbons and base stocks or fractions thereof; and catalysts.

[Subparagraph (1) amended by Am. 11, 8 F.R. 7600, effective 6-11-43, and Am. 21, 8 F.R. 10304, effective 7-27-43]

(2) The following to the extent sold or delivered for use in the manufacture of synthetic rubbers: components of synthetic rubbers, including but not limited to butadiene and styrene; all hydrocarbons and petroleum fractions used in the manufacture of the components of synthetic rubber, including but not limited to ethylene, propylene, butylene, iso-butylene, propane, butane, and isobutane; hydrogen, acetaldehyde, acetylene, vinyl-acetylene, vinyl chloride, vinyl acetate, sebacate esters, phthalate esters, tricresyl phosphate, hydrochloric acid, calcium carbide, ethylene dichloride, dichlorethyl ether, sodium polysulfide, butylene glycol, acrylonitrile, and ethyl-alcohol, and furfural, catalysts, including but not limited to chromel-alumina and magnesia-alumina catalysts, and physical carrier agents for such catalysts, including but not limited to silica gel.

The term "synthetic rubber," as here used, means a material obtained by chemical synthesis, possessing the approximate physical properties of natural rubber, when compared in either the vulcanized or unvulcanized condition, which can be vulcanized with sulphur or other chemicals with the application of heat, and which, when vulcanized, is capable of rapid elastic recovery after being stretched to at least twice its length at temperatures ranging from 0° F. to 150° F. at any humidity.

[Subparagraph (2) amended by Am. 21, 8 F.R. 10304, effective 7-27-43]

(3) Toluene manufactured from petroleum and, to the extent sold or delivered for use in the manufacture of such toluene, base stocks from which such toluene is to be extracted, and selected charging stocks to be processed for the synthesis of such toluene and catalysts.

[Subparagraph (3) amended by Am. 21, 8 F.R. 10304, effective 7-27-43]

(4) Agricultural components of furfural to the extent sold or delivered for use in the manufacture of furfural, including but not limited to oat hulls, cottonseed hulls and cottonseed hull bran.

(5) *Provided however*, That, notwithstanding anything in this section 2.5 (b) to the contrary, all sales and deliveries of benzol, toluol, and xylol derived as by-products from coal-carbonization or from the production of carbureted water-gas or oil-gas (except benzol sold by Defense Supplies Corporation) shall be subject to the provisions of the General Maximum Price Regulation.

[Subparagraph (5) added by Am. 66, 9 F.R. 7710, effective 7-15-44]

(c) Volatile ("essential") oils, when sold by the growers (in any of the forty-eight States and the District of Columbia) of the plants from which such oils were distilled. However, maximum prices for the natural oils of peppermint and spearmint are established by Maximum Price Regulation No. 472.⁹

[Paragraph (c) amended by Am. 30, 8 F.R. 13171, effective 9-20-43]

(d) Domestic botanical drugs.

NOTE: Sales and deliveries of botanical drugs originating outside of and imported into the continental United States are subject to the Maximum Import Price Regulation.

[Paragraph (d) amended by Am. 32, 8 F.R. 14473, effective 10-28-43]

(e) Sales or deliveries by a manufacturer of a chemical or an industrial paint which that manufacturer did not sell during March 1942 or prior thereto, until the total sales of that chemical or industrial paint exceed \$1,000.

"Industrial paint" means a protective coating sold for application to industrial equipment, military equipment, and articles manufactured primarily for resale. The term "industrial paint" does not include protective coatings commonly known as "trade sales" or "shelf goods" paints.

[Paragraph (e) added by Am. 9, 8 F.R. 7349, effective 6-5-43; amended by Am. 37, 8 F.R. 16603, effective 12-13-43]

(f) Sales or deliveries by a manufacturer of a chemical which is in the experimental stage of production, on condition, however, that before making any sale of any such chemical which would bring the total sales thereof to a sum in excess of \$1,000 the manufacturer thereof files with the Office of Price Administration at Washington, D. C., a report setting forth the name of the manufacturer, a description of the chemical, the reasons why he considers that it is in an experimental stage of production, the prices he proposes to charge during the experimental stage of production, and the monthly volume of production which he believes would represent commercial production as opposed to the experimental stage of production. If the Office of Price Administration does not by letter disapprove the report within twenty days, sales or deliveries of the chemical shall continue to be excepted from the General Maximum Price Regulation until the volume of production specified in the report as commercial production is reached.

[Paragraph (f) added by Am. 9, 8 F.R. 7349, effective 6-5-43]

⁹ 8 F.R. 13126; 9 F.R. 3426, 4197, 6710, 11851, 12262, 12919.

SEC. 2.6 *Rubber and rubber products.* The exception stated above in section 2.2 extends to the following:

(a) Synthetic rubber and reclaimed synthetic rubber and their components, as specified above in paragraph (b) (2) of section 2.5.

(b) Balata rubber when sold or delivered by Rubber Reserve Company; and also when delivered by other sellers if delivery is pursuant to a sale which, when made, was excepted from the General Maximum Price Regulation.

(c) Crude rubber, guayule rubber and liquid latex.

SEC. 2.7 *Fuel, petroleum products and other oils.* The exception stated above in section 2.2 extends to the following:

(a) Aviation gasoline of 87 octane rating and higher and its components, as specified above in paragraph (b) (1) of section 2.5.

(b) Toluene manufactured from petroleum, as specified above in paragraph (b) (3) of section 2.5.

(c) Core oils and core washing oils.

(d) Bituminous coal produced in Alaska.

SEC. 2.8 *Machinery, tools and equipment.* The exception stated above in section 2.2 extends to the following:

(a) Machines and parts excluded from Maximum Price Regulation 136, as amended,¹⁰ by § 1390.2, paragraphs (g), (j), (k), (m), (n), and (q) thereof.

[Paragraph (a) amended by Am. 69, 9 F.R. 9357, effective 8-7-44]

(b) Instrument jewel bearings.

(c) Diamond dies smaller than .002 inch in diameter.

(d) Used automobiles.

SEC. 2.9 *Metals and minerals.* The exception stated above in section 2.2 applies to the following:

(a) Scrap metal, as specified below in paragraph (a) of section 2.12.

(b) The following scrap material whether sold to an industrial consumer or other purchaser:

(1) Zinc scrap materials, including but not limited to zinc skimmings, zinc ashes, sal skimmings and flue dust; but some such materials are governed by Revised Price Schedule No. 3.¹⁰

(2) Lead scrap materials, including but not limited to lead drosses, lead slags, lead ashes and lead sludges; but some such materials are governed by Revised Price Schedule No. 70.¹¹

(3) Residues of tin, solder, babbitt and type material, including but not limited to drosses, scruffs, acidic drosses, fumes, sludges and slags.

(4) Antimony residues, slags, skimmings and drosses.

(5) Copper clad steel scrap—i. e., any steel scrap clad or coated with copper or a copper base alloy, including gilding metal clad steel scrap, in which the cladding or coating amounts to 3% or more by weight.

¹⁰ 9 F.R. 4748, 6420, 6239, 6884, 7079, 7168, 7615, 7854, 10589, 12034, 12266, 12538.

¹¹ Reissued as Maximum Price Regulation 3; 8 F.R. 3171.

¹² Reissued as Maximum Price Regulation 70; 8 F.R. 614.

(6) Detinned or tin-coated scrap sold for use in copper precipitation.

[Subparagraph (6) added by Am. 22, 8 F.R. 10759, effective 8-6-43]

(c) Block mica of strategic grades (i. e., block mica of a quality better than "heavy stained," as defined in Conservation Order No. M-101 issued by the War Production Board on March 6, 1942) and fabricated mica produced therefrom.

(d) Fluorspar ores.

(e) Blister copper.

(f) Lead bullion.

(g) Ores and ore concentrates. The term "ores" means any mineral substance in a crude state used chiefly as a commercial source of metal contained therein. The term "ore concentrates" means any ore after the removal of a part of the gangue, or a part of the non-metallic elements, by either a physical or chemical process.

(h) Electrotypes plates which are obsolete by reason of the time limitations of War Production Board Order M-99 or which may become obsolete within the definition of War Production Board Order M-99, and backing metal, composed of approximately 94% lead, 3% tin and 3% antimony obtained from these electrotypes plates, sold by purchasers of the electrotypes plates to the National Lead Company, acting as agent for the Metals Reserve Company.

(i) Brucite when sold to a producer of magnesium metal for use in the production of magnesium metal.

[Paragraph (i) added by Am. 48, 9 F.R. 2138, effective 2-29-44]

(j) Pennsylvania anthracite when sold and delivered for use as a filter medium under the trade name "anthrafit".

[Paragraph (j) added by Am. 49, 9 F.R. 2413, effective 3-6-44]

(k) Analyzed Pennsylvania anthracite sold by the Anthracite Industries, Inc. to testing laboratories for use as a standard test fuel.

[Paragraph (k) added by Am. 52, 9 F.R. 3515, effective 4-6-44]

SEC. 2.10 *Forest products, lumber and building materials.* The exception stated above in section 2.2 applies to the following:

(a) Bark obtained from hemlock, oak, chestnut and spruce.

(b) The following natural forest products used by florists: ferns, leaves, foliage and boughs.

(c) Stumpage and logs.

[Paragraph (c) amended by Am. 39, 8 F.R. 16797, effective 12-20-43; Am. 56, 9 F.R. 5268, effective 5-15-44; Am. 65, 9 F.R. 7500, effective 7-8-44 (suspended from August 1, 1944 to September 1, 1944 by Am. 70, 9 F.R. 9411); and Am. 76, 9 F.R. 10501, effective 9-1-44]

(d) Wood and gum for naval stores and gum naval stores.

(e) Saw and veneer mill wood wastes, when sold for use as raw materials in wood distillation, including but not limited to slabs, edgings, veneer log ends and cores, and ground wood: *Provided, however,* That no petitions for increase in maximum prices of the products manufactured from the above raw materials will be granted to the extent that such

petitions are based on increases in prices of such raw materials above March, 1942, levels.

(f) Any tree or plant, or part thereof, painted or unpainted, mounted or unmounted, which is used for decorative purposes during the Christmas season.

(g) Portland cement clinker.

[Paragraph (g) added by Am. 86, 9 F.R. 14062, effective 11-30-44]

SEC. 2.11 *Textiles, leather and apparel.* The exception stated above in section 2.2 applies to the following:

(a) Imported silk wastes.

(b) Wool skins (whether domestic or foreign)—i. e., the untanned skins of sheep or lambs, with the wool still on, other than shearlings or wool skins which are sold for use as furs.

(c) Women's fur garments sold by manufacturers and manufacturing-retailers at \$8,000 or more, (exclusive of excise taxes) or purchased by retailers and wholesalers at \$8,000 or more.

[Paragraph (c) added by Am. 46, 9 F.R. 755, effective 1-18-44]

(d) Mohair in the original bag or bale.

[Paragraph (d) added by Am. 74, 9 F.R. 10427, effective 8-30-44]

SEC. 2.12 *Miscellaneous.* The exception stated above in section 2.2 applies to the following:

(a) Waste materials, including but not limited to metal, paper, cloth and rubber scrap, sold to a purchaser other than an industrial consumer: *Provided, however,* That for purposes of this exception:

(1) "Industrial consumer" includes a person who cleans and resells cloth scrap for use as wiping rags or waste and any other person who processes any scrap material otherwise than by sorting, cleaning, baling, compressing or reducing in size.

(2) "Waste materials" does not include top pickup paper mill felts or jacket felts, used all-wool sanforizing machine blankets, used all-wool Palmer machine blankets, scrap burlap or scrap bagging or bale coverings composed of jute, hemp, istle, sisal or similar fibers, nor cotton mill waste (defined to mean all cotton waste produced in the process of converting raw cotton into yarn and yarn into cloth, except jute bagging removed from cotton bales and except any kind of scrap burlap or bagging), nor fat-bearing and oil-bearing animal waste materials.

[Subparagraph (2) amended by Am. 17, 8 F.R. 9025, effective 7-6-43; and Am. 24, 8 F.R. 11754, effective 8-28-43]

(b) Animals of any kind, whether wild or domestic and whether living or dead, other than those slaughtered for food purposes; but this exception does not extend to pelts, furs, or other parts of animals—as to which see section 3.2 (f), below.

(c) Manure.

(d) Garbage.

(e) Stamps and coins.

(f) *Precious stones and mountings into which precious stones are set.* The term "precious stones" means any ruby, sapphire, emerald, natural pearl or any diamond (other than an industrial diamond) or any semi-precious stone after

sale by the cutter, when the cutter has received more than \$100 for the sale of the stone. Synthetic stones and cultured pearls shall not be deemed "precious stones."

[Paragraph (f) amended by Am. 23, 8 F.R. 11572, effective 8-25-43]

(g) Antiques.

(h) Knotted oriental rugs.

(i) Paintings, etchings, sculptures and other objects of art.

(j) Indian and Eskimo handicraft objects which are produced by the manual skill of American Indians, Alaskan Indians or Eskimos.

(k) Securities, including any note, stock, bond, and interest or instrument commonly known as a "security."

(l) Any raw and unprocessed agricultural commodity or greenhouse commodity while it remains in substantially its original state, subject to the following qualifications:

(1) Commodities which are picked, harvested, threshed, ginned, husked, cleaned, dried, baled, boxed, packed, transported and/or refrigerated, without more, remain "raw and unprocessed." But operations such as slaughtering, freezing, canning, preserving, milling, crushing, straining, centrifuging, shelling of nuts, cooking, distilling, and purifying with heat constitute processing for this purpose.

(2) This exception does not extend to any dried fruits or dried berries other than those sold or delivered "in natural condition" by growers to packers; nor to any dried imported agricultural commodities; nor to any forest products, such as lumber, wood naval stores and mineral products, whether processed or unprocessed.

[Subparagraph (2) amended by Am. 6, 8 F.R. 6964, effective 4-22-43]

(3) All natural flowers and floral products, whether fresh or dried and all seeds and bulbs for planting purposes are deemed to be raw and unprocessed agricultural commodities and so are included within this exception.

[Subparagraph (3) amended by Am. 27, 8 F.R. 11951, effective 9-2-43]

(m) Cattle warts.

[Paragraph (m) added by Am. 1, 8 F.R. 6055, effective 5-14-43]

(n) Domestic hog bristle, whether raw or dressed; *Provided,* That this exemption shall not apply to sales of dressed hog bristle to a manufacturer of brushes.

[Paragraph (n) added by Am. 14, 8 F.R. 8754, 9 F.R. 1531, effective 6-30-43]

(o) Unginned Spanish moss.

[Paragraph (o) added by Am. 47, 9 F.R. 1531, effective 2-11-44]

(p) Seed flax tow, on condition, however, that on or before February 1, 1944, the seller file with the Office of Price Administration in Washington, D. C., a statement showing his highest selling price during March 1942, to each of the persons to whom he made deliveries in that month, and declaring the selling price he intends to charge each purchaser after January 23, 1944, and on the

further condition that no prospective price thus reported to the Office of Price Administration may thereafter be changed unless seller shall first have given at least 30 days notice in writing to the Office of Price Administration, Washington, D. C. Nothing in this section 2.12 (p) shall apply to fiber flax tow.

[Paragraph (p), formerly Sec. 2.4 (c), added by Am. 44, 9 F.R. 730, effective 1-24-44; redesignated and amended by Am. 59, 9 F.R. 6570, effective 6-19-44]

(q) Flat woven Navajo type rugs produced on hand looms from domestic wool.

[Paragraph (q) added by Am. 78, 9 F.R. 11114, 11909, effective 9-13-44]

(r) Natural ice when sold by its harvesters to railroads, railway express companies and packers of perishables. However, this exception shall not apply to sales of natural ice by its harvesters to other classes of purchasers or by persons other than harvesters to any class of purchasers.

[Paragraph (r) added by Am. 88, 9 F.R. 14854, effective 12-20-44]

ARTICLE III—EXCEPTION OF TRANSACTIONS OF A GENERAL NATURE

SEC. 3.1 *Basis of classification in this article.* The exceptions stated in this article are those which are based primarily upon the nature of the transaction or the parties thereto (other than government agencies, which are the subject of Articles IV and V) and thus generally affect more than one commodity or class of commodities.¹²

SEC. 3.2 *Transactions excepted.* The following transactions are excepted from the General Maximum Price Regulation either absolutely or, where the exception is qualified, upon the conditions and to the extent indicated:

(a) Sales and deliveries by a farmer, of commodities grown and processed on his farm, if the total of such sales or deliveries does not exceed \$75 in any one calendar month: *Provided, however,*

¹² Exceptions from all price control, which necessarily constitute exceptions from the General Maximum Price Regulation but are not incorporated herein, are contained in the following Supplementary Orders: No. 8, Panama Canal Zone; No. 10, Judicial Sales; No. 21, District of Columbia Penal Institutions; No. 22, Sales to Office of Scientific Research and Development; No. 27, Sales by Army and Navy Stores; No. 35, Purchases of Strategic or Critical Materials by Metals Reserve Company; No. 42, Exception of Sales to Government Agencies Pursuant to Secret Contracts or Subcontracts. [Further exceptions from price control are contained in the following Supplementary Orders: No. 45, Exemption From Price Control of Certain Commodities and Services; No. 46, Exemption of Auction Sales of Contents of Dead Letters or Packages by Post Office Department; No. 52, Exemption From Price Control of Certain Commodities and Services Sold by Railroads Pursuant to the Code of Rules of the Association of American Railroads; No. 54, Exemption of Sales of Commodities Produced and Services Supplied by State of Ohio Penal Institutions; No. 82, Sales to Dealers for Resale, by the War Department, the Department of the Navy, or the Procurement Division of the Treasury Department, of Scrap, Waste and Used Materials.]

That this exception shall not apply to the following commodities:

(1) Firewood—The sale and delivery of any wood or wood product for fuel purposes.

[Paragraph (a) amended by Am. 90, 10 F.R. 1650, effective 2-12-45]

(b) Sales and deliveries by any person, of his used supplies or equipment not acquired or produced by him for the purpose of sale: *Provided, however,* That this exception shall not apply to the following:

(1) Sales and deliveries of used tin cans sold or delivered to persons authorized or licensed under paragraph (b)
(4) of Supplementary Order No. M-72-a, issued by the Director General for Operations, War Production Board.

(2) Sales and deliveries of top pickup paper mill felts or jacket felts, used all-wool sanforizing machine blankets, used all-wool Palmer machine blankets, scrap burlap, and scrap bagging or bale coverings composed of jute, hemp, istle, sisal or similar fibers.

[Subparagraph (2) amended by Am. 17, 8 F.R. 9025, effective 7-6-43; and Am. 24, 8 F.R. 11754, effective 8-28-43]

(3) Sales and deliveries of used airplanes, powered with a single engine of not more than 500 horsepower.

[Subparagraph (3) added by Am. 41, 9 F.R. 215, effective 1-8-44]

(c) Sales and deliveries by an owner, of his used personal or household effects or other personal property used by him. This exception shall not apply to sales and deliveries of used airplanes, powered with a single engine of not more than 500 horsepower.

[Paragraph (c) amended by Am. 41, 9 F.R. 215, effective 1-8-44]

(d) Sales and deliveries at a bona fide auction of used household or personal effects, except that this exception shall not apply to any sale at auction conducted in, by, or for a retail or wholesale establishment regularly engaged in the business of selling such goods other than by auction.

(e) Sales and deliveries by hotels, restaurants, soda fountains, bars, cafes, caterers, or other similar eating establishments, of meals, servings of food portions customarily served separately or as part of a meal, or beverages mixed or prepared by the seller; but this exception shall not apply to sales of ice cream in cones, dixie cups or similar packages.

(f) Sales and deliveries by a breeder, trapper, or hunter, of pelts, furs, or other parts of wild animals raised by him, or trapped, shot, or killed by him, if the total of such sales or deliveries does not exceed \$75 in any one calendar month.

(g) Sales and deliveries of commodities sold without private profit in the course of any sale, fair, or bazaar conducted for a period of not more than 15 days by any religious, charitable, or philanthropic organization.

(h) Sales and deliveries of damaged commodities by insurance companies, transportation companies, or agents of the United States Government or by any other person engaged in reconditioning

and selling damaged commodities received, in direct connection with the adjustment of losses, from insurance companies, transportation companies, or agents of the United States Government: *Provided,* That such other person has registered with and has been approved by the Office of Price Administration as engaged principally and primarily in such business and as one whose other activities do not include selling new or second-hand commodities for his own account.

(i) Sales and deliveries by non-profit making agencies for the blind (i. e., institutions operated in the interest of blind persons, the net income of which does not inure in whole or in part to the benefit of the shareholders or individuals) of any commodity on which 75 per cent of the direct labor in man-hours has been performed by the blind. Persons are, for this purpose, considered blind if their visual acuity does not exceed 20/200 in the better eye with correcting lenses or if their visual acuity is greater than 20/200 but they have a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

(j) Sales or deliveries of commodities made or produced by the seller at his home, solely for his own account, without the assistance of hired employees, if the total of such sales or deliveries does not exceed \$75 in any one calendar month.

[Paragraph (j) amended by Am. 40, 8 F.R. 17495, effective 1-4-44]

(k) [Revoked]

[Paragraph (k) amended by Am. 26, 8 F.R. 11814, effective 8-30-43 and revoked by Am. 64, 9 F.R. 7579, effective 7-15-44]

(l) Component parts and subassemblies of certain military products, as specified below in paragraph (c) of section 4.3.

(m) Sales and deliveries of 40% oleum (109% sulphuric acid) to an ordnance plant or works operated by or for the United States or any agency thereof.

[Paragraph (m) amended by Am. 36, 8 F.R. 15527, effective 7-3-43]

(n) Sales and deliveries of the following articles by the Coca Cola Company of Wilmington, Delaware to bottlers of Coca Cola:

- Upright and horizontal frames.
- Metal racks.
- Menu boards and signs.
- Wood hangers.
- Porcelain enamel signs.
- Porcelain enamel letters.
- Booms and weathercock for porcelain enamel signs.
- Fibre signs.
- Outdoor signs and inserts.
- Miscellaneous metal signs.
- Privilege panels and inserts.
- Embossed metal material.
- Painted bottles, metal or hardboard.
- Trays.
- Pigskin billfolds.
- Thermometers.
- Miniature bottles and cases.
- Giant bottles and crowns.
- Rulers.
- Pencils.
- Bottle openers.
- Ice picks.
- Phonograph records.

Slide films.
Playing cards.
Game kits.
Mending kits.

[Paragraph (n) added by Am. 38, 8 F.R. 16664, effective 12-15-43]

(o) Sales and deliveries to buyers for further processing pursuant to sliding-scale contracts (as defined in subparagraph (2) hereof) of the coal carbonization and carburated water-gas by-products hereinafter listed and defined in subparagraph (1): *Provided*, That within 30 days following the close of each price adjustment period established by the contract, but in no case less frequently than once every calendar year the buyer shall submit a written report to the Chemicals and Drugs Branch, Office of Price Administration, Washington, D. C., containing the information required by subparagraph (3) hereof.

(1) *Commodities covered* (In no event shall the following be construed to include products obtained from petroleum alone):

(i) "Crude light oil" meaning an oil recovered from gases produced from coal or from coke and petroleum or from distillation of tar containing high percentages of benzol, toluol and xylois.

(ii) "Carbolate or sodium phenolate" meaning an aqueous solution of the sodium salts of tar acids produced when oils or other coal carbonization by-products containing tar acids are treated with caustic soda.

(iii) "Tar acid oil or carbolic oil" meaning a distillate containing tar acids, naphthalenes, and other coal tar chemicals distilling largely below 350 degrees centigrade and having a specific gravity below 1.060 at 15.5 degrees centigrade.

(iv) "Crude pyridine bases or crude tar bases" which are crude mixtures of organic nitrogen compounds such as pyridine, quinoline, and their homologues which are recovered from coal carbonization gases or liquors or from coal tar distillates.

(2) "Sliding-scale contract" means either or both of the following:

(i) A participating contract whereby the seller's price for the commodities listed in subparagraph (1) varies according to the revenue obtained by the buyer from the sale of derivatives produced by him and listed in such participating contract; or

(ii) A contract under which the seller's price for the commodities listed in subparagraph (1) varies according to the amount of the constituents derived from the crudes and referred to in such contract.

(3) Information required in reports:

(i) The name of each seller and the location of each seller's plant from which the products listed in subparagraph (1) were obtained.

(ii) The total amount, in gallons, for each of such products purchased from each seller during the preceding price adjustment period established by the contract or most recent calendar year as the case may be, and the maximum price per gallon on each sale under the provisions of the General Maximum Price Regulation.

(iii) The price per gallon for each of the commodities listed in subparagraph (1) purchased during such adjustment period as determined under the provisions of the applicable sliding-scale contract.

[Paragraph (o) added by Am. 55, 9 F.R. 4948, effective 5-15-44]

(p) Sales and deliveries by processors or packers of the food commodities referred to below, under the particular circumstances stated for each commodity:

(1) Sales and deliveries of commodities covered by Maximum Price Regulation 306¹³ (Certain Packed Food Products) by any processor in any calendar year in which his total volume of sales of such commodities does not exceed 1500 quarts (or an equivalent amount in other container sizes).

(2) Sales and deliveries of commodities covered by Maximum Price Regulation 493¹⁴ (Dried and Processed Apples and Apple Products, 1943 and Other Specified Crops) by any processor in any calendar year in which his total volume of sales of such commodities does not exceed 1500 quarts (or an equivalent amount in other container sizes).

(3) Sales and deliveries of apple butter, as defined in Maximum Price Regulation 498¹⁵ (Maximum Prices for Packers and Certain Other Sellers of Apple Butter), by any packer in any calendar year in which his total volume of sales of apple butter does not exceed 500 quarts (or an equivalent amount in other container sizes).

[Paragraph (p) added by Am. 67, 9 F.R. 7834, effective 7-17-44]

(q) Sales and deliveries by the 4-H Supply Department of the National Committee on Boys and Girls Works, of special types of supplies bearing the 4-H emblem, motto, pledge or other distinguishing mark of the 4-H organization, to 4-H Club workers, State Agriculture Colleges, State and County Extension Agents and other persons redistributing such special supplies to 4-H Club workers.

[Paragraph (q) added by Am. 82, 9 F.R. 12969, effective 11-2-44]

ARTICLE IV—EXCEPTION OF SALES TO GOVERNMENT AGENCIES

SEC. 4.1 *Basis of classification in this article.* The exceptions stated in this article, classified according to the purchasing agency or agencies, are those which are based primarily upon the governmental character of the purchaser.

SEC. 4.2 *Exception of sales to the United States or any of its agencies.* Sales and deliveries of the following, when made to the United States or any of its agencies, are excepted from the General Maximum Price Regulation either absolutely or, where the exception is qualified, under the conditions and to the extent indicated:

(a) Brazilian rock quartz crystals, suitable for piezoelectrical purposes.

¹³ 9 F.R. 12451.

¹⁴ 8 F.R. 15697, 16664; 9 F.R. 99, 1121, 1597, 2288, 2301, 7833.

¹⁵ 8 F.R. 16503; 9 F.R. 98, 1597, 7833.

(b) Standard Model F-4 payroll machines manufactured by the International Payroll Machine Company of Reading, Pennsylvania, delivered prior to July 1, 1943.

(c) Manila cordage sold by Metals Reserve Company or its duly authorized agent or agents. The term "Manila cordage" has the same meaning here as in paragraph (d) of section 4.5 below.

(d) Brooms sold by Federal Prison Industries, Inc.

(e) 40% oleum, as specified above in paragraph (m) of section 3.2.

(f) Clay pigeons, but this exemption shall expire on July 1, 1945.

[Paragraph (f) added by Am. 28, 8 F.R. 12406, effective 9-11-43; amended by Am. 43, 9 F.R. 184, effective 1-1-44; Am. 50, 9 F.R. 2692, effective 3-8-44; corrected 9 F.R. 4391, and amended by Am. 63, 9 F.R. 7425, effective 7-1-44]

(g) Training devices to be used in the study of military tactics and science.

[Paragraph (g) added by Am. 71, 9 F.R. 10094, effective 8-22-44]

(h) Sales of dichloro-diphenyl-trichloroethane (DDT) and compositions thereof by the original manufacturer of the DDT to the United States or any agency thereof or to any person who will use such commodity to fulfil a contract or subcontract with the United States or any agency thereof: *Provided*, That the person making such sale or sales files a report with the Office of Price Administration on or before the 10th of each month setting forth with respect to deliveries of DDT or compositions thereof during the preceding month: (1) a description of each product delivered, (2) the name and address of each buyer to whom a delivery was made, (3) the quantity of each product delivered to each buyer, (4) the price charged for each product. If at any time the Office of Price Administration determines, after consultation with the purchasing agencies of the government, that the need for exception has expired and so notifies in writing the manufacturer of the DDT, this exception shall not apply to the commodities thereafter sold, delivered or supplied to which such notice relates. This exception shall not apply to sales of any composition of DDT by any person other than the original manufacturer of the DDT nor shall it apply to sales other than those made pursuant to a contract or subcontract with the United States or any agency thereof, such sales being subject to the provisions of the General Maximum Price Regulation.

[Paragraph (h) added by Am. 75, 9 F.R. 10590, effective 9-4-44]

SEC. 4.3 *Exception of sales to the United States or its agencies or to certain foreign governments or their agencies.* Sales and deliveries of the following are excepted from the General Maximum Price Regulation either absolutely or, where the exception is qualified, under the conditions and to the extent indicated, when made to the United States or any agency thereof or to the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to

Promote the Defense of the United States," or any agency of any such government, and also in certain cases of related transactions when made to others as specifically provided below:

(a) Aircraft, ammunition, armored trains, artillery, balloon barrage equipment, bombs, bomb sights, caissons, fire control equipment, gas masks, grenades, gun sights, military bridges, mines, mortars, projections, pyrotechnics, small arms, ships and boats and torpedoes.

(b) Amphibians, armored vehicles, automobiles, tanks, trailers and trucks, when sold for military purposes.

(c) Component parts and subassemblies of any product excepted under paragraphs (a) and (b), above, when sold pursuant to a war contract or subcontract thereunder, including all metallic and non-metallic component parts, adjuncts and accessories which have been machined or fabricated but not including raw or unfinished materials or any other materials which are in such form as to permit their use in the manufacture of products other than those excepted under paragraphs (a) and (b), above."

(1) As used herein, "war contract" means any contract with the Army, the Navy, the Maritime Commission, or the War Shipping Administration of the United States or for lend-lease purposes, or with the Government of any agency thereof of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States."

[Paragraph (c) amended by Am. 80, 9 F.R. 11764, effective 9-30-44]

(d) Military propellants and explosives.

(e) Imported mahogany logs, lumber, fitches, veneer and plywood and mahogany lumber, fitches, veneer and plywood manufactured therefrom in the United States—or any of the same when sold or delivered to any person who will use such commodity to fulfill (1) a contract with the United States or any agency thereof or with any Government or agency thereof of the defense of which the President deems vital to the defense of the United States as aforesaid or (2) a subcontract under any such contract. The term "mahogany", as here used, means the wood of the several species of the genus *Swietenia* and the wood of the several species of the genus *Khaya* of the *Meliaceae* family, and the term "mahogany plywood" means plywood composed of one or more plies of mahogany veneer.

[Paragraph (e) amended by Am. 2, 8 F.R. 6363, effective 5-19-43]

(f) Any commodity purchased for immediate delivery under such circumstances of emergency as to make im-

mediate delivery imperative and as to render it impossible to secure or unfair to require immediate delivery at the maximum price which would otherwise be applicable: *Provided*, That the person making such purchase on behalf of the purchasing Government or agency files a report with the Office of Price Administration, Washington, D. C., within five days after such purchase is made, certifying that such emergency existed and setting forth: (1) the name and address of the seller, (2) date of purchase, (3) date of delivery, (4) description of commodity purchased, (5) quantity purchased, (6) price at which purchased, and (7) a brief statement of the facts giving rise to the emergency situation which necessitated the purchase at a price higher than the applicable maximum price.

(g) Calcium carbide when sold by Defense Supplies Corporation.

(h) [Revoked]

[Paragraph (h) amended by Am. 26, 8 F.R. 11814, effective 8-30-43; Am. 42, 9 F.R. 38, effective 12-30-43; and revoked by Am. 64, 9 F.R. 7579, effective 7-15-44]

(i) The following Army field and emergency rations and commodities:

(1) Completed rations: C; D; K; Five-in-One; Mountain; Bail Out; Combat; Jungle; Life Raft; Corned Beef Hash (5½ lb. can); Meat and Vegetable Stew (30 oz. can); Meat and Vegetable Hash (6 lb. 12 oz. can); Chili Con Carne; and Ten-in-One.

[Subparagraph (1) amended by Am. 8, 8 F.R. 7270, effective 6-4-43; and Am. 34, 8 F.R. 15381, effective 11-12-43]

(2) All finished component parts of these rations (for example, finished biscuits, finished drink powders, etc., as distinct from their ingredients). However, the following finished component parts shall be subject to maximum prices in sales to these buyers:

(i) Breakfast cereals.

(ii) Milk, condensed (covered by Maximum Price Regulation No. 289).

(iii) Milk, unsweetened evaporated, unsweetened dehydrated (powdered skim) (covered by Maximum Price Regulation No. 289).

(iv) Canned fruits, fruit juices and nectars (covered by Maximum Price Regulation Nos. 185 and 306).

(v) Dried fruits (covered by Maximum Price Regulation No. 227).

(vi) Raisins (covered by Maximum Price Regulation No. 242).

(vii) Canned vegetables and vegetable juices (covered by Maximum Price Regulation Nos. 152 and 306).

(viii) Dehydrated potato shreds.

(ix) Canned sliced bacon (covered by Maximum Price Regulation No. 148).

(x) Canned pork sausage (covered by Maximum Price Regulation No. 148).

(xi) Canned corned pork (covered by Maximum Price Regulation No. 148).

(xii) Canned corned beef (covered by Maximum Price Regulation No. 156).

(xiii) Spaghetti (covered by Maximum Price Regulation No. 325).

(xiv) Cheese (covered by Maximum Price Regulation No. 280).

(xv) Peanuts (covered by Maximum Price Regulation No. 335).

(xvi) Fruit preserves, jams, jellies (covered by Maximum Price Regulation No. 226).

(xvii) Powdered puddings.

(xviii) Tea (covered by Revised Price Schedule No. 91).

(xix) Sugar (covered by Revised Price Schedule No. 60).

(xx) Salt and salt tablets.

(xxi) Hard candy.

(xxii) Chewing gum.

(xxiii) Cigarettes (covered by Revised Price Schedule No. 62).

(xxiv) Toilet paper (covered by Maximum Price Regulation No. 266).

(xxv) Halazone tablets (covered by Maximum Price Regulation No. 392).

(xxvi) Matches (covered by Maximum Price Regulation No. 365).

(xxvii) Soap (covered by Maximum Price Regulation No. 391).

(xxviii) Paper towels (covered by Maximum Price Regulation No. 266).

(xxix) Canned roast beef (covered by Maximum Price Regulation No. 169).

(xxx) Dehydrated corned beef hash.

[Subparagraphs (xxv) through (xxx) added by Am. 34, 8 F.R. 15381, effective 11-12-43]

(j) Canned fish flakes: *Provided, however*, That within fifteen days after entering into any contract made on or after April 3, 1943, for the sale or delivery thereof, the seller shall file with the Office of Price Administration either a duly authenticated copy of such contract or, in lieu thereof, a duly authenticated summary of such contract setting forth the name of the seller, date of contract, term of contract, price, quantity, species and manner of preparation, name of buyer, point of delivery corresponding to sales price, and method of delivery.

(k) The following commodities, but this exemption shall expire April 1, 1945:

[Above paragraph amended by Am. 92, effective 3-5-45]

(1) The following ski troop equipment: carabiners, ice axes, pitons (rock and ice), and ski bindings.

(2) [Deleted]

[Subparagraph (2) deleted by Am. 92, effective 3-5-45]

(3) Deliveries of the following commodities pursuant to contracts entered into prior to January 1, 1943:

(i) Accessories for field range Model—1937 (quartermaster corps), Parts 222, 223, 224, 225, 226, 227, 228, 229 and 230, as listed in Instructions for Operation and Care of Gasoline Field Range, Model—1937 (quartermaster corps):

(4) Deliveries of Canteen cups and meat cans, Model—1942 pursuant to contracts entered into prior to April 1, 1943.

[Paragraph (k) amended by Am. 20, 8 F.R. 9219, effective 7-1-43; Am. 31, 8 F.R. 13513, effective 10-1-43; Am. 43, 9 F.R. 184, effective 1-1-44; Am. 54, 9 F.R. 3590, effective 4-1-44; Am. 63, 9 F.R. 7425, effective 7-1-44; and Am. 83, 9 F.R. 13006, effective 11-6-44]

(l) Canned (in tin) white potatoes.

[Paragraph (l) added by Am. 19, 8 F.R. 9016, 10002, effective 6-28-43]

(m) Barbed wire concertinas.

[Paragraph (m) added by Am. 53, 9 F.R. 3581, effective 4-7-44]

(n) Sales and deliveries of powdered orange juice for use in fulfilling (1) a contract with the United States or any of its agencies or with a government or agency of a government of any country the defense of which the President deems vital to the defense of the United States

"Revised Supplementary Regulation No. 11, § 1499.46 (b) (114), excepts from the General Maximum Price Regulation any manufacturing service performed by a person other than the manufacturer in the production of any product excepted under paragraphs (a), (b) and (c) of section 4.3, above, if all or part of the material on which such service is performed is supplied by the manufacturer.

under the aforesaid Act, or (2) a subcontract under any such contract.

[Paragraph (n) added by Am. 73, 9 F.R. 10203, effective 8-19-44]

(o) Stove for Outfit, cooking, small detachment (Stock No. 64-0-270) as manufactured by the Chrysler Corporation for the Quartermaster Corps.

[Paragraph (o) added by Am. 89, 9 F.R. 15060, effective 1-1-45]

SEC. 4.4 Exception of sales pursuant to developmental contracts or subcontracts. The General Maximum Price Regulation shall have no application to sales or deliveries of any commodity manufactured or service supplied¹⁷ pursuant to a contract or subcontract which is certified in writing to the Office of Price Administration, Washington, D. C., as being a "developmental" contract or subcontract, by the United States or any agency thereof or by the Government of any country the defense of which the President deems vital to the defense of the United States under the terms of the Act of March 11, 1942, entitled "An Act to Promote the Defense of the United States," or any agency of any such Government: *Provided, however, That:*

(a) The manufacturer of the commodity or the supplier of the service files with the Office of Price Administration, Washington, D. C., within ten days after entering into the contract or subcontract, a report containing a description of the product to be manufactured or service to be supplied, a summary of the terms of the contract or subcontract, including all pricing provisions, a statement of the production plan of which the contract or subcontract is a part, and an estimate of the expected duration of such developmental work.

(b) If at any time the Office of Price Administration determines, after consultation with the certifying government agency, that the period necessary for development has expired and in writing so notifies such agency and the manufacturer of the commodity or supplier of the service, this exception shall not apply to the commodities or services thereafter sold, delivered or supplied under the contract or subcontract to which such notice relates.

(c) A contract or subcontract is, for the purpose of this section, deemed to be "developmental" if the manufacturer or supplier thereunder requires a period of time for the accumulation of sufficient production experience to permit him to make a fair estimate of his manufacturing costs or if the purchaser thereunder requires a period of time to select a product, or both.

SEC. 4.5 Exception of sales to Metals Reserve Company or its agents. Sales and deliveries of the following, when made to Metals Reserve Company or any of its agents, are excepted from the General Maximum Price Regulation either absolutely or, where the exception is qualified, under the conditions and to the extent indicated:

¹⁷ The supply of such services is excepted from the General Maximum Price Regulation by § 1499.46 (b) (115) of Revised Supplementary Regulation No. 11.

(a) Metallic copper, lead or zinc, or ores or concentrates containing copper, lead or zinc, sold pursuant to the Premium Price Plan announced by the Federal Loan Agency, the War Production Board, and the Office of Price Administration.

(b) Aluminum scrap sold pursuant to the program with respect to idle or excessive inventories of aluminum materials adopted and announced on February 24, 1942, by the War Production Board, Division of Industry Operations.

(c) Nickel-bearing scrap materials sold pursuant to the program with respect to frozen stocks of metallic nickel adopted and announced on April 15, 1942, by the War Production Board, Division of Industry Operations.

(d) Manila cordage sold by persons other than the producers thereof. The term "Manila cordage," as here used, means rope and cable in which Manila fiber is used either alone or in combination with other fibers and which is of diameters of $\frac{3}{8}$ of an inch and larger and of lengths of not less than 200 feet and of grades designated by manufacturers as "better than grade #1", "grade #1", "grade #2" and "grade #3."

(e) Nickel oxide sold by the Electric Heating Equipment Company of Philadelphia, Pennsylvania.

(f) Electrotype plates, as specified above in paragraph (h) of section 2.9.

SEC. 4.6 Exception of sales to specified government agencies. Sales and deliveries of the following, when made to the government agencies or other persons specified below, are excepted from the General Maximum Price Regulation either absolutely or, where the exception is qualified, under the conditions and to the extent indicated:

(a) Talking books manufactured by the American Foundation for the Blind and sold to the Library of Congress.

(b) Tires and tubes sold or delivered to Defense Supplies Corporation pursuant to the Idle Tire Purchase Plan.

(c) Solid-pack pie apricots in No. 10 cans sold to the Agricultural Marketing Administration for Lend-Lease purposes exclusively.

(d) Beef or veal, or any product made or derived therefrom, sold to the armed forces of the United States or the Federal Surplus Commodities Corporation under contracts entered into before July 13, 1942.

(e) Dried apples, dried apricots, raisins, dried peaches or dried pears sold to the armed forces of the United States or to the Federal Surplus Commodities Corporation.

(f) Dehydrated vegetables sold to the armed forces of the United States or any other purchasing agency of the United States.

(g) Phosphorus sold by the Tennessee Valley Authority to the War Department.

(h) Funeral supplies, appurtenances, and services rendered by a funeral director under a contract with the U. S. Veterans' Administration.

[Paragraph (h) added by Am. 3, 8 F.R. 6547, effective 5-22-43]

(i) Steel valves, valve parts or subassemblies sold by a subcontractor to a valve manufacturer who has previously

entered into a contract entitled "Contract Between the Navy Department and Valve Manufacturers for Reimbursement of Added Cost on Subcontracted Valves and Valve Parts," or sold by a subcontractor to such subcontractor for sale to such valve manufacturer, except that if the same kind of valve, valve part or subassembly was sold to the same valve manufacturer or subcontractor by the same seller prior to June 7, 1943, the sale of such valve, valve part or subassembly by the seller after June 7, 1943, shall not be exempt under this paragraph (i).

[Paragraph (i) added by Am. 12, 8 F.R. 7668, effective 6-7-43]

(j) Domestically manufactured jewel bearings, which are used in timekeeping instruments, sold to the Defense Supplies Corporation. See section 5.2 for sales by or for the account of Defense Supplies Corporation.

[Paragraph (j) added by Am. 13, 8 F.R. 8710, effective 6-29-43]

(k) Native or island twist chewing tobacco sold to or by the Federal Surplus Commodity Corporation or by another agency of the government of the United States. "Native or island twist chewing tobacco" means twist chewing tobacco pressed flat and made of fire-cured or dark air-cured tobacco, or a combination of both; and treated with a casing mixture of molasses, syrup, glycerin, alcohol and such flavorings as are normally used on twist tobacco consumed by the natives of New Guinea, the Solomons and other islands in the Southwest Pacific area.

Prior to the effective date of any contract for the sale of native or island twist chewing tobacco to or by the Federal Surplus Commodity Corporation or by another agency of the government of the United States (or, if the contract is already in effect, within ten days from September 23, 1944), the seller shall submit to the Office of Price Administration, Tobacco Section, Washington 25, D. C., a copy of such contract or a statement setting forth the date and terms thereof, including the quantity of twist chewing tobacco sold or to be sold, the name and address of the purchaser and the price paid or agreed to be paid therefor.

[Paragraph (k) added by Am. 51, 9 F.R. 3075, effective 3-25-44; corrected 9 F.R. 4391; amended by Am. 79, 9 F.R. 11546, effective 9-23-44]

(l) Bagasse sold to the Lend-Lease Section of the Procurement Division of the Treasury Department.

[Paragraph (l) added by Am. 60, 9 F.R. 6648, effective 6-20-44]

ARTICLE V—EXCEPTION OF SALES BY GOVERNMENT AGENCIES

SEC. 5.1 Basis of classification in this article. The exceptions stated in this article are those which are based primarily upon the governmental character of the seller.

SEC. 5.2 Commodities excepted. Sales and deliveries of the following, when made by the government agencies specified below, are excepted from the General Maximum Price Regulation either abso-

lately or, where the exception is qualified, under the conditions and to the extent indicated:

(a) Any scrap, waste, damaged or used materials or commodities sold, delivered or transferred by the War Department, the Department of the Navy of the United States, or the Procurement Division—Treasury Department.

[Paragraph (a) amended by Am. 5, 8 F.R. 6852, effective 5-28-43]

(b) Vinyl acetate-vinyl chloride copolymer transcription records sold by the United States or any agency thereof.

(c) Ammunition sold by Defense Supplies Corporation.

(d) Phonograph records sold by the recording laboratory of the Library of Congress.

(e) Balata rubber sold by Rubber Reserve Company, as specified above in paragraph (b) of section 2.6.

(f) Crude petroleum transported through the war emergency pipelines system and sold by Defense Supplies Corporation at the eastern termini of such system.

(g) Temporary buildings sold apart from the land by the United States or any agency thereof and also the supply of demolition, wrecking, and site-clearance services¹⁸ which are part of and are included within the sale of such temporary buildings.

(h) Domestically manufactured jewel bearings, which are used in timekeeping instruments, sold by or for the account of the Defense Supplies Corporation. See section 4.2 for sales to Defense Sales Corporation.

[Paragraph (h) added by Am. 13, 8 F.R. 8710, effective 6-29-43]

(i) Benzol sold by Defense Supplies Corporation.

[Paragraph (i) added by Am. 66, 9 F.R. 7710, 8150, effective 7-15-44]

(j) Channel carbon black sold by Defense Supplies Corporation.

[Paragraph (j) added by Am. 85, 9 F.R. 13858, effective 11-25-44]

APPENDIX A—TABLES OF CROSS-REFERENCES

TABLE I—FORMER PROVISIONS OF THE GENERAL MAXIMUM PRICE REGULATION

Former paragraph of § 1499.9 of GMPR	Present counterpart in Rev. Supp. Reg. No. 1
(a) (1) — Combined with § 1499.20 (1).	Sec. 2.12 (1)
(a) (2) — Combined with § 1499.20 (p).	Sec. 2.3 (h)
(a) (3) — Combined with § 1499.20 (q).	Sec. 2.3 (d)
(a) (4) — Combined with § 1499.20 (v).	Sec. 2.3 (q)
(a) (4) — Combined with § 1499.20 (w) and (x).	Sec. 2.3 (r)
(a) (5) —	[Covered by specific price regulations]
(a) (6) —	Sec. 2.3 (l)
(a) (7) —	Sec. 2.3 (j), (k), (l), (m) and (n) and Sec. 2.12 (c) and (d)
(a) (8) —	Sec. 2.12 (b)
(a) (9) —	Sec. 2.4 (a)

¹⁸ The supply of such services is excepted from the General Maximum Price Regulation by § 1499.46 (b) (117) of Revised Supplementary Regulation No. 11.

TABLE I—FORMER PROVISIONS OF THE GENERAL MAXIMUM PRICE REGULATION—Continued

Former paragraphs of § 1499.9 of GMPR	Present counterpart in Rev. Supp. Reg. No. 1
(a) (10) — Combined with § 1499.20 (y).	Sec. 2.9 (e), (f) and (g)
(a) (11) —	Sec. 2.10 (c)
(a) (12) — Combined with § 1499.20 (z).	Sec. 2.12 (e), (f), (g), (h) and (i)
(a) (13) —	Sec. 2.8 (d)
(a) (14) —	Sec. 2.10 (d)
(a) (15) — Combined with § 1499.20 (q).	Sec. 2.12 (k)
(b) (1) —	Sec. 3.2 (a)
(b) (2) —	Sec. 3.2 (b)
(b) (3) —	Sec. 3.2 (c)
(b) (4) —	Sec. 3.2 (d)
(b) (5) —	Sec. 3.2 (e)
(b) (6) —	Sec. 3.2 (f)
(b) (7) —	Sec. 3.2 (g)

TABLE II—FORMER PROVISIONS OF SUPPLEMENTARY REGULATION NO. 1

Former paragraph of Supp. Reg. No. 1 (§ 1499.26)	Present status or counterpart
(a) (1) — Combined with (e) (1) (i) and (ii).	Rev. Supp. Reg. No. 1, Sec. 2.12 (a)
(a) (2) —	Rev. Supp. Reg. No. 1, Sec. 2.9 (b)
(a) (3) —	Rev. Supp. Reg. No. 1, Sec. 2.8 (a)
(a) (4) —	Rev. Supp. Reg. No. 1, Sec. 2.9 (g)
(a) (5) —	Rev. Supp. Reg. No. 1, Sec. 2.8 (b)
(a) (6) —	Rev. Supp. Reg. No. 1, Sec. 2.11 (a)
(a) (7) —	[Revoked]
(a) (8) —	Rev. Supp. Reg. No. 1, Sec. 2.3 (a)
(a) (9) —	MPR No. 20, Sec. 1309.71 (1) (1)
(a) (10) — Combined with (e) (1) (iii).	Rev. Supp. Reg. No. 1, Sec. 2.3 (o)
(a) (11) — Combined with (e) (1) (v).	Rev. Supp. Reg. No. 1, Sec. 2.5 (a)
(a) (12) — Combined with (e) (1) (iv).	Rev. Supp. Reg. No. 1, Sec. 2.9 (c)
(a) (13) —	Rev. Supp. Reg. No. 1, Sec. 2.8 (c)
(a) (14) —	[Expired]
(a) (15) to (21), Incl. — Combined with (e) (1) (vii) and (viii).	Rev. Supp. Reg. No. 1, Sec. 2.3 (p)
(a) (22) —	Rev. Supp. Reg. No. 1, Sec. 2.3 (c)
(a) (23) —	[Expired]
(a) (24) — Combined with (e) (1) (ix).	Rev. Supp. Reg. No. 1, Sec. 2.11 (b)
(a) (25) — Combined with (e) (1) (xiv).	Rev. Supp. Reg. No. 1, Sec. 2.5 (b)
(a) (26) —	Rev. Supp. Reg. No. 1, Sec. 5.2 (a)
(a) (27) —	Rev. Supp. Reg. No. 1, Sec. 2.12 (b)
(a) (28) —	Rev. Supp. Reg. No. 1, Sec. 2.10 (a)
(a) (29) —	Rev. Supp. Reg. No. 1, Sec. 2.3 (b)
(a) (30) —	Rev. Supp. Reg. No. 1, Sec. 2.7 (c)
(a) (31) —	Rev. Supp. Reg. No. 1, Sec. 2.3 (e)
(a) (32) —	Rev. Supp. Reg. No. 1, Sec. 2.9 (h)
(a) (33) —	Rev. Supp. Reg. No. 1, Sec. 2.4 (a)
(a) (34) —	Rev. Supp. Reg. No. 1, Sec. 2.4 (b)
(a) (35) —	Rev. Supp. Reg. No. 1, Sec. 2.7 (d)
(a) (36) —	Rev. Supp. Reg. No. 1, Sec. 2.10 (b)
(a) (37) — Combined with (e) (1) (xii).	Rev. Supp. Reg. No. 1, Sec. 2.3 (f)

TABLE II—FORMER PROVISIONS OF SUPPLEMENTARY REGULATION NO. 1—Continued

Former paragraph of Supp. Reg. No. 1 (§ 1499.26)	Present status or counterpart
(a) (38) —	[Revoked]
(a) (39) —	Rev. Supp. Reg. No. 1, Sec. 2.9 (d)
(a) (40) — Combined with (e) (1) (xiii).	Rev. Supp. Reg. No. 1, Sec. 2.9 (b) (5)
(a) (41) —	Rev. Supp. Reg. No. 1, Sec. 5.2 (b)
(a) (42) —	Rev. Supp. Reg. No. 1, Sec. 2.12 (j)
(a) (43) —	Rev. Supp. Reg. No. 1, Sec. 2.6 (c)
(a) (44) — Combined with (e) (1) (xv).	Rev. Supp. Reg. No. 1, Sec. 2.3 (g)
(b) (1) —	Rev. Supp. Reg. No. 1, Sec. 3.2 (h)
(b) (2) — Combined with (e) (1) (x) and (xi).	Rev. Supp. Reg. No. 1, Sec. 3.2 (i)
(b) (3) —	Rev. Supp. Reg. No. 1, Sec. 4.6 (a)
(b) (4) —	Rev. Supp. Reg. No. 1, Sec. 2.5 (c)
(b) (5) —	Rev. Supp. Reg. No. 1, Sec. 2.10 (e)
(b) (6) —	Rev. Supp. Reg. No. 1, Sec. 2.10 (f)
(b) (7) —	Rev. Supp. Reg. No. 1, Sec. 2.5 (d)
(b) (8) —	Rev. Supp. Reg. No. 1, Sec. 4.6 (b)
(b) (9) —	Rev. Supp. Reg. No. 1, Sec. 5.2 (c)
(b) (10) —	Rev. Supp. Reg. No. 1, Sec. 5.2 (d)
(b) (11) —	Rev. Supp. Reg. No. 1, Sec. 3.2 (j)
(b) (12) —	Rev. Supp. Reg. No. 1, Sec. 2.6 (b)
(b) (13) —	Rev. Supp. Reg. No. 1, Sec. 5.2 (f)
(c) (1) —	Rev. Supp. Reg. No. 11, § 1499.46 (b) (116)
(c) (2) —	[Expired]
(d) (1) —	Rev. Supp. Reg. No. 1, Sec. 5.2 (g); Rev. Supp. Reg. No. 11, § 1499.46 (b) (117)

TABLE III—FORMER PROVISIONS OF REVISED SUPPLEMENTARY REGULATION NO. 4

Former paragraph of Rev. Supp. Reg. No. 4 (§ 1499.29)	Present status or counterpart
(a) (1) —	Rev. Supp. Reg. No. 1, Sec. 4.3 (a) and (b)
(a) (2) —	Rev. Supp. Reg. No. 1, Sec. 4.3 (c)
(a) (3) —	Rev. Supp. Reg. No. 11, § 1499.46 (b) (114) and (108)
(a) (4) —	Rev. Supp. Reg. No. 1, Sec. 4.3 (d)
(a) (5) —	Rev. Supp. Reg. No. 1, Sec. 4.4; Rev. Supp. Reg. No. 11, § 1499.46 (b) (115)
(a) (6) —	Supp. Order No. 42
(a) (7) —	Rev. Supp. Reg. No. 1, Sec. 4.3 (f)
(a) (8) —	Rev. Supp. Reg. No. 1, Sec. 4.3 (k)
(a) (9) —	Rev. Supp. Reg. No. 1, Sec. 4.2 (a)
(a) (10) —	Rev. Supp. Reg. No. 1, Sec. 4.5 (a)
(a) (11) —	Rev. Supp. Reg. No. 1, Sec. 4.5 (b)
(a) (12) —	Rev. Supp. Reg. No. 1, Sec. 4.5 (c)
(a) (13) —	[Revoked]
(a) (14) (i) —	Rev. Supp. Reg. No. 1, Sec. 4.6 (c)
(a) (14) (ii) —	[Covered by specific price regulations]

TABLE III—FORMER PROVISIONS OF REVISED SUPPLEMENTARY REGULATION NO. 4—CONTINUED

Former paragraph of Rev. Supp. Reg. No. 4 (§ 1499.29)	Present status or counterpart
(a) (15)-----	Supp. Order No. 27
(a) (16)-----	Rev. Supp. Reg. No. 1, Sec. 4.6 (d)
(a) (17)-----	Rev. Supp. Reg. No. 1, Sec. 4.2 (b)
(a) (18)-----	Rev. Supp. Reg. No. 1, Sec. 4.2 (c) and 4.5 (d)
(a) (19)-----	[Expired]
(a) (20)-----	[Covered by specific price regulations]
(a) (21)-----	Rev. Supp. Reg. No. 1, Sec. 4.6 (e)
(a) (22)-----	Rev. Supp. Reg. No. 1, Sec. 4.6 (f)
(a) (23)-----	Rev. Supp. Reg. No. 1, Sec. 4.3 (e)
(a) (24)-----	Rev. Supp. Reg. No. 1, Sec. 4.6 (g)
(a) (25)-----	Rev. Supp. Reg. No. 1, Sec. 4.5 (e)
(a) (26)-----	[Expired]
(a) (27)-----	Rev. Supp. Reg. No. 1, Sec. 4.2 (d)
(a) (28)-----	Rev. Supp. Reg. No. 11, § 1499.46 (b) (108)
(a) (29)-----	Rev. Supp. Reg. No. 1, Sec. 4.3 (g)
(a) (30)-----	Rev. Supp. Reg. No. 1, Sec. 3.2 (m)
(a) (31)-----	Rev. Supp. Reg. No. 1, Sec. 4.3 (i)
(a) (32)-----	Rev. Supp. Reg. No. 1, Sec. 4.3 (j)
(b)-----	Supp. Order No. 9
(c)-----	[Revoked]

TABLE IV—PROVISIONS OF REVISED SUPPLEMENTARY REGULATION NO. 12

Paragraph of Rev. Supp. Reg. No. 12 (§ 1499.1401)	Counterpart in Rev. Supp. Reg. No. 1
(a) (1)—Combined with § 1499.1406 (a).	Sec. 3.2 (k)
(a) (2)—Combined with § 1499.1406 (a).	Sec. 4.3 (h)

Revised Supplementary Regulation No. 1 shall become effective April 22, 1943, except that section 2.3 (e) shall be effective as of May 11, 1942. [Revised Supp. Reg. 1 originally issued April 16, 1943]

[Effective date provision amended by Am. 4, 8 F.R. 6615, effective 5-24-43]
[Effective dates of amendments are shown in notes following the parts affected]

Issued this 1st day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3324; Filed, Mar. 1, 1945;
11:36 a. m.]

Chapter XVIII—Office of Economic Stabilization

[Directive 37]

PART 4003—SUBSIDIES: SUPPORT PRICES DIVERSION OF TOBACCO TO NICOTINE

The War Food Administrator has, by letter dated February 24, 1945, recommended an expansion in the program (authorized by Directive 17, issued October 14, 1944) to be carried out by the Commodity Credit Corporation to increase, so far as practicable, the produc-

tion of nicotine for agricultural purposes to afford minimum protection of certain food crops. Under the expanded program, the Commodity Credit Corporation will divert or otherwise dispose of, for nicotine purposes, or exchange for other tobacco suitable for such purposes, tobacco acquired by it.

I hereby find that the execution of this program is necessary in order to effectuate the policy of Executive Orders 9250 and 9328.

Therefore I authorize and direct the War Food Administration to carry out through the Commodity Credit Corporation the program described in the War Food Administrator's letter of February 24, 1945.

(E.O. 9250 and E.O. 9328)

Effective date: February 27, 1945.

Issued this 27th day of February 1945.

FRED M. VINSON,

Economic Stabilization Director.

[F. R. Doc. 45-3280; Filed, Feb. 28, 1945;
1:46 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[SFAW Reg. 19, Amdt. 1]

PART 602—GENERAL ORDERS AND DIRECTIVES

BITUMINOUS COAL IN UTAH

In order to provide for continuous running time at the mines in the State of Utah during the spring and summer months and avert a seasonal loss of production, SFAW Regulation No. 19, issued March 30, 1944 (9 F.R. 3486) requires retail dealers, the market coal produced in Utah, to receive such coal in equal monthly shipments during the coal year, April 1, 1944 to March 31, 1945.

The same conditions which necessitated the issuance of SFAW Regulation No. 19 make it necessary, in the public interest and to promote the national defense, to continue the provisions of that regulation in effect for the next coal year, April 1, 1945 to March 31, 1946.

Accordingly, SFAW Regulation No. 19 is hereby amended in the following respects:

1. Wherever the year "1944" appears in SFAW Regulation No. 19 it is amended to read "1945".

2. Wherever the year "1945" appears in SFAW Regulation No. 19 it is amended to read "1946".

This amendment shall become effective April 1, 1945.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827)

Issued this 28th day of February 1945.

HAROLD L. ICKES,

Solid Fuels Administrator for War.

[F. R. Doc. 45-3312; Filed, Mar. 1, 1945;
11:27 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 206—FISHING AND HUNTING REGULATIONS

APPROVED FISHING AREAS, HUDSON RIVER, NEW YORK AND NEW JERSEY

The areas in Hudson River, New York and New Jersey, approved by the Secretary of War on February 23, 1940 (5 F.R. 989), amended June 6, 1940 (5 F.R. 2429), May 23, 1943 (8 F.R. 7601), and February 24, 1944, as areas within which shad nets, poles and other fishing structures may be permitted pursuant to regulations approved therefor by the Secretary of War, are further amended as described below:

§ 206.45 Hudson River, N. Y. and N. J., south of Stony Point, Stony Point, N. Y.; fishing. * * *

(c) Approved fishing areas, Hudson River, New York and New Jersey. * * *

(3) Area No. 2. An area in the westerly portion of the river, between the George Washington Bridge and Dyckman Street, Manhattan, New York City, and bounded by straight lines between the following points:

Point No.	Latitude	Longitude
6a.....	40°51'14.7"	73°57'07.6"
7a.....	40°51'17.2"	73°57'20.2"
8.....	40°51'46.5"	73°57'01.1"
9.....	40°52'19.2"	73°56'43.8"
10.....	40°52'13.5"	73°56'25.9"
11.....	40°51'43.5"	73°56'42.8"

(Sec. 10, River and Harbor Act, 3 March 1899, 30 Stat. 1511, 33 U.S.C. 403) [Regs. 23 Feb. 1940 (E.D. 7221 (Hudson R.) as amended 17 Feb. 1945, CE 800.217 (Hudson River-N. J.-N. Y.)-SPEWR)]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 45-3288; Filed, Mar. 1, 1945;
9:36 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Appendix A—Waiver of Navigation and Vessel Inspection Laws

NON-REVERSIBLE LIFE PRESERVERS FOR MILITARY PERSONNEL

The Acting Secretary of the Navy having by order dated October 1, 1942 (7 F.R. 7979) waived compliance with the navigation and vessel inspection laws administered by the United States Coast Guard, in the case of any vessel engaged in business connected with the conduct of the war, to the extent and in the manner that the Commandant, United States Coast Guard, shall find to be necessary in the conduct of the war;

Now therefore, I find it to be necessary in the conduct of the war that there be waived compliance with the provi-

sions of paragraph (1) (c) of Regulation XL of the International Convention for the Safety of Life at Sea, signed at London on May 31, 1929 (50 Stat. 1254) and with paragraph (f) of § 59.55 of the rules and regulations for Vessel Inspection, Ocean and Coastwise (46 CFR 59.55 (f)) to the extent necessary to permit the use of non-reversible life preservers for military personnel.

Dated: February 28, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45-3335; Filed, Mar. 1, 1945;
11:49 a. m.]

Chapter III—War Shipping Administration

[G. O. 11, Amdt. 2 to Supp. 3]

PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERETO

TIME CHARTER FOR DRY CARGO VESSELS

Effective as of 12:01 a. m., e. w. t., January 1, 1945, the War Risk Protection and Indemnity Policy as prescribed by § 302.50 *Amended time charter for dry cargo vessels "Warshipovertime (Rev.)"*, published in the FEDERAL REGISTER for Saturday, April 8, 1944 (9 F.R. 3784), is amended as follows:

1. Clause (b) of paragraph (1) is amended by striking out the period and inserting in lieu thereof a comma, and adding the following:

or under section 2 (c) of Public Law 449, Seventy-eighth Congress approved September 30, 1944.

2. Clause (b) of paragraph (7) is amended by inserting after the words "each round voyage" the following: "unless otherwise agreed".

3. Clause (c) of paragraph (7) is stricken out and the following inserted in lieu thereof:

(c) Loss, damage or expense arising from any deviation or proposed deviation, not authorized by the contract of affreightment, known to the Assured in time to insure specifically the liability therefore. Knowledge of the United States Governmental Departments or Agencies, other than the War Shipping Administration, its Time Charter Agents or Berth Agents in the continental United States, shall not be considered as knowledge of the Assured in respect to deviation or proposed deviation.

4. Clause (f) of paragraph (7) is amended by striking out the semicolon and adding the following:

except that if liability be assumed by the Assured pursuant to section 2 of Public Law 295, Seventy-eighth Congress, approved April 24, 1944, such liability shall be deemed imposed by law and constitute a valid claim thereunder;

5. Paragraph (16) is amended by striking out "twelve (12)" and inserting in lieu thereof "twenty-four (24)".

6. Paragraph (17) is amended by striking out "eighteen (18)" and inserting in lieu thereof "twenty-four (24)".

7. Paragraph 20 is stricken out and the following inserted in lieu thereof:

(20) Unless otherwise agreed by endorsement hereon, the Underwriter's liability shall in no event exceed that which would be imposed on the Assured by law in the absence of contract; *Provided, however,* That the Assured's right of indemnity from the Underwriter shall include any loss, damage or expense otherwise covered under the provisions of this policy arising as a result of any contract for the employment of tugs, floating cranes or similar floating equipment where such contract is one which is substantially similar to those customarily in use and in force on January 1, 1944.

8. The words "directly or indirectly" are stricken from paragraph 25, and Clause (d) of paragraph (25) is stricken out, and clause (e) is designated "(d)" and clause (f) is designated "(e)".

9. A new paragraph designated paragraph 26 reading as follows is added:

(26) Notwithstanding anything to the contrary contained in this policy, the Underwriter shall not be liable for or in respect of any loss, damage or expense, sustained by reason of capture, seizure, arrest, restraint or detention, or the consequences thereof or of any attempt thereof; or sustained in consequence of military, naval or air action by force of arms, including mines and torpedoes or other missiles or engines of war, whether of enemy or friendly origin; or sustained in consequence of the explosion of ammunition or other explosive material intended for military use (other than petroleum products) unless the explosion is caused by collision between the vessel named herein and a vessel other than an enemy naval vessel; or sustained in consequence of placing the vessel in jeopardy as an act or measure of war taken in the actual process of a military engagement, including embarking or disembarking troops or material of war in the immediate zone of such engagement; and any such loss, damage and expense shall be excluded from this policy without regard to whether the Assured's liability therefor is based on negligence or otherwise, and whether before or after a declaration of war.

10. The introductory paragraph under the heading "War Risk Only Clauses" reading as follows: "The following War Risk Only Clauses (Clauses A, B and C) shall be deemed to over-ride P. & I. Clauses (Articles 1 to 25 inclusive) whenever they may be in conflict," and "Clause A" are stricken out and the following inserted in lieu thereof:

The following War Risk Only Clauses (Clauses A, B and C) shall be deemed to over-ride P. & I. Clauses (Articles 1 to 26 inclusive) wherever they may be in conflict except with respect of loss, damage, or expense in respect of any claim for loss of life of, or personal injury to, or illness of, or loss of any baggage or personal effects of, prisoners of war, or of any member of the armed forces of the United States or of any Government of any Nation Signatory to the United Nations Pact, which shall be for the account of the Underwriter whether excluded by the F. C. and S. Clause (paragraph 26) or not.

Clause A. This insurance covers only those liabilities which would be covered by this policy under Articles 1 to 26 inclusive in the absence of the F. C. & S. Clause (Article 26), but which are excluded by that Clause. The Underwriter agrees to indemnify the Assured against loss, damage or expense as aforesaid which the Assured shall become liable to pay and shall pay by reason of the fact that the Assured is the owner, or charterer, or the General or Time Charter Agent or agent or Berth Agent or sub-agent of the owner or charterer (mortgagee, trustee,

or receiver thereof as the case may be) of the insured vessel.

(E.O. 9054, 3 CFR Cum. Supp.)

[SEAL]

E. S. LAND,
Administrator.

FEBRUARY 26, 1945.

[F. R. Doc. 45-3308; Filed, Mar. 1, 1945;
11:19 a. m.]

[G. O. 11, Amdt. 2 to Supp. 4]

PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERETO

TIME CHARTER FOR TANK VESSELS

Effective as of 12:01 a. m., e. w. t., January 1, 1945, the War Risk Protection and Indemnity Policy as prescribed by § 302.55 *Amended time charter for tank vessels "Warshipovertime (Rev.)"*, published in the FEDERAL REGISTER for Saturday, April 8, 1944 (9 F.R. 3798), is amended as follows:

1. Clause (b) of paragraph (1) is amended by striking out the period and inserting in lieu thereof a comma, and adding the following:

or under section 2 (c) of Public Law 449, Seventy-eighth Congress approved September 30, 1944.

2. Clause (b) of paragraph (7) is amended by inserting after the words "each round voyage" the following: "unless otherwise agreed".

3. Clause (c) of paragraph (7) is stricken out and the following inserted in lieu thereof:

(c) Loss, damage or expense arising from any deviation or proposed deviation, not authorized by the contract of affreightment, known to the Assured in time to insure specifically the liability therefore. Knowledge of the United States Governmental Departments or Agencies, other than the War Shipping Administration, its Time Charter Agents or Berth Agents in the continental United States, shall not be considered as knowledge of the Assured in respect to deviation or proposed deviation.

4. Clause (f) of paragraph (7) is amended by striking out the semicolon and adding the following:

except that if liability be assumed by the Assured pursuant to section 2 of Public Law 295, Seventy-eighth Congress, approved April 24, 1944, such liability shall be deemed imposed by law and constitute a valid claim thereunder;

5. Paragraph (16) is amended by striking out "twelve (12)" and inserting in lieu thereof "twenty-four (24)".

6. Paragraph (17) is amended by striking out "eighteen (18)" and inserting in lieu thereof "twenty-four (24)".

7. Paragraph 20 is stricken out and the following inserted in lieu thereof:

(20) Unless otherwise agreed by endorsement hereon, the Underwriter's liability shall in no event exceed that which would be imposed on the Assured by law in the absence of contract; *Provided, however,* That the Assured's right of indemnity from the Underwriter shall include any loss, damage or expense otherwise covered under the provisions of this policy arising as a result of any contract for the employment of tugs, floating cranes or similar floating equipment where such contract is one

which is substantially similar to those customarily in use and in force on January 1, 1944.

8. The words "directly or indirectly" are stricken from paragraph 25, and Clause (d) of paragraph (25) is stricken out, and clause (e) is designated "(d)" and clause (f) is designated "(e)".

9. A new paragraph designated paragraph 26 reading as follows is added:

(26) Notwithstanding anything to the contrary contained in this policy, the Underwriter shall not be liable for or in respect of any loss, damage or expense, sustained by reason of capture, seizure, arrest, restraint or detention, or the consequences thereof or of any attempt thereat; or sustained in consequence of military, naval or air action by force of arms, including mines and torpedoes or other missiles or engines of war, whether of enemy or friendly origin; or sustained in consequence of the explosion of ammunition or other explosive material intended for military use (other than petroleum products) unless the explosion is caused by collision between the vessel named herein and a vessel other than an enemy naval vessel; or sustained in consequence of placing the vessel in jeopardy as an act or measure of war taken in the actual process of a military engagement, including embarking or disembarking troops or material of war in the immediate zone of such engagement; and any such loss, damage and expense shall be excluded from this policy without regard to whether the Assured's liability therefor is based on negligence or otherwise, and whether before or after a declaration of war.

10. The introductory paragraph under the heading "War Risk Only Clauses" reading as follows: "The following War Risk Only Clauses (Clauses A, B and C) shall be deemed to over-ride P. & I. Clauses (Articles 1 to 25 inclusive) wherever they may be in conflict," and "Clause A" are stricken out and the following inserted in lieu thereof:

The following War Risk Only Clauses (Clauses A, B and C) shall be deemed to over-ride P. & I. Clauses (Articles 1 to 26 inclusive) wherever they may be in conflict except with respect of loss, damage, or expense in respect of any claim for loss of life of, or personal injury to, or illness of, or loss of any baggage or personal effects of, prisoners of war, or of any member of the armed forces of the United States or of any Government of any Nation Signatory to the United Nations Pact, which shall be for the account of the Underwriter whether excluded by the F. C. and S. Clause (paragraph 26) or not.

Clause A. This insurance covers only those liabilities which would be covered by this policy under Articles 1 to 26 inclusive in the absence of the F. C. & S. Clause (Article 26), but which are excluded by that Clause. The Underwriter agrees to indemnify the Assured against loss, damage or expense as aforesaid which the Assured shall become liable to pay and shall pay by reason of the fact that the Assured is the owner, or charterer, or the General or Time Charter Agent or agent or Berth Agent or sub-agent of the owner or charterer (mortgagee, trustee, or receiver thereof as the case may be) of the insured vessel.

(E.O. 9054, 3 CFR Cum. Supp.)

[SEAL]

E. S. LAND,
Administrator.

FEBRUARY 26, 1945.

[F. R. Doc. 45-3309; Filed, Mar. 1, 1945;
11:19 a. m.]

No. 44—4

[G. O. 11, Amdt. 1 to Rev. Supp. 7]

PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERETO

TIME CHARTER FOR FOREIGN FLAG DRY CARGO VESSELS

Effective as of 12:01 a. m., e. w. t., January 1, 1945, the War Risk Protection and Indemnity Policy as prescribed by § 302.48 *Amended time charter for foreign flag dry cargo vessels "Warship-time (Rev.) Forflag"*, published in the FEDERAL REGISTER for Tuesday, September 12, 1944 (9 F.R. 11192), is amended as follows:

1. Clause (b) of paragraph (1) is amended by striking out the period and inserting in lieu thereof a comma, and adding the following:

or under section 2 (c) of Public Law 449, Seventy-eighth Congress approved September 30, 1944.

2. Clause (b) of paragraph (7) is amended by inserting after the words "each round voyage" the following: "unless otherwise agreed".

3. Clause (c) of paragraph (7) is stricken out and the following inserted in lieu thereof:

(c) Loss, damage or expense arising from any deviation or proposed deviation, not authorized by the contract of affreightment, known to the Assured in time to insure specifically the liability therefore. Knowledge of the United States Governmental Departments or Agencies, other than the War Shipping Administration, its Time Charter Agents or Berth Agents in the continental United States, shall not be considered as knowledge of the Assured in respect to deviation or proposed deviation.

4. Clause (f) of paragraph (7) is amended by striking out the semi-colon and adding the following:

except that if liability be assumed by the Assured pursuant to section 2 of Public Law 295, Seventy-eighth Congress, approved April 24, 1944, such liability shall be deemed imposed by law and constitute a valid claim thereunder;

5. Paragraph (16) is amended by striking out "twelve (12)" and inserting in lieu thereof "twenty-four (24)".

6. Paragraph (17) is amended by striking out "eighteen (18)" and inserting in lieu thereof "twenty-four (24)".

7. Paragraph 20 is stricken out and the following inserted in lieu thereof:

(20) Unless otherwise agreed by endorsement hereon, the Underwriter's liability shall in no event exceed that which would be imposed on the Assured by law in the absence of contract; *Provided, however*, That the Assured's right of indemnity from the Underwriter shall include any loss, damage or expense otherwise covered under the provisions of this policy arising as a result of any contract for the employment of tugs, floating cranes or similar floating equipment where such contract is one which is substantially similar to those customarily in use and in force on January 1, 1944.

8. The words "directly or indirectly" are stricken from paragraph 25, and Clause (d) of paragraph (25) is stricken out, and clause (e) is designated "(d)" and clause (f) is designated "(e)".

9. A new paragraph designated paragraph 26 reading as follows is added:

(26) Notwithstanding anything to the contrary contained in this policy, the Underwriter shall not be liable for or in respect of any loss, damage or expense, sustained by reason of capture, seizure, arrest, restraint or detention, or the consequences thereof or of any attempt thereat; or sustained in consequence of military, naval or air action by force of arms, including mines and torpedoes or other missiles or engines of war, whether of enemy or friendly origin; or sustained in consequence of the explosion of ammunition or other explosive material intended for military use (other than petroleum products) unless the explosion is caused by collision between the vessel named herein and a vessel other than an enemy naval vessel; or sustained in consequence of placing the vessel in jeopardy as an act or measure of war taken in the actual process of a military engagement, including embarking or disembarking troops or material of war in the immediate zone of such engagement; and any such loss, damage and expense shall be excluded from this policy without regard to whether the Assured's liability therefor is based on negligence or otherwise, and whether before or after a declaration of war.

10. The introductory paragraph under the heading "War Risk Only Clauses" reading as follows: "The following War Risk Only Clauses (Clauses A, B and C) shall be deemed to over-ride P. & I. Clauses (Articles 1 to 25 inclusive) wherever they may be in conflict," and "Clause A" are stricken out and the following inserted in lieu thereof:

The following War Risk Only Clauses (Clauses A, B and C) shall be deemed to over-ride P. & I. Clauses (Articles 1 to 26 inclusive) wherever they may be in conflict except with respect of loss, damage, or expense in respect of any claim for loss of life of, or personal injury to, or illness of, or loss of any baggage or personal effects of, prisoners of war, or of any member of the armed forces of the United States or of any Government of any Nation Signatory to the United Nations Pact, which shall be for the account of the Underwriter whether excluded by the F. C. and S. Clause (paragraph 26) or not.

Clause A. This insurance covers only those liabilities which would be covered by this policy under Articles 1 to 26 inclusive in the absence of the F. C. & S. Clause (Article 26), but which are excluded by that Clause. The Underwriter agrees to indemnify the Assured against loss, damage or expense as aforesaid which the Assured shall become liable to pay and shall pay by reason of the fact that the Assured is the owner, or charterer, or the General or Time Charter Agent or agent or Berth Agent or sub-agent of the owner or charterer (mortgagee, trustee, or receiver thereof as the case may be) of the insured vessel.

(E.O. 9054, 3 CFR Cum. Supp.)

[SEAL]

E. S. LAND,
Administrator.

FEBRUARY 26, 1945.

[F. R. Doc. 45-3311; Filed, Mar. 1, 1945;
11:20 a. m.]

[G. O. 11, Amdt. 1 to Rev. Supp. 8]

PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERETO

TIME CHARTER FOR FOREIGN FLAG TANK VESSELS

Effective as of 12:01 a. m., e. w. t., January 1, 1945, the War Risk Protection and

Indemnity Policy as prescribed by § 302.53 Amended time charter for foreign flag tank vessels "Warshipoiltime (Rev.) Forflag", published in the FEDERAL REGISTER for Tuesday, September 12, 1944, (9 F.R. 11205) is amended as follows:

1. Clause (b) of paragraph (1) is amended by striking out the period and inserting in lieu thereof a comma, and adding the following:

or under section 2 (c) of Public Law 449, Seventy-eighth Congress approved September 30, 1944.

2. Clause (b) of paragraph (7) is amended by inserting after the words "each round voyage" the following: "unless otherwise agreed".

3. Clause (c) of paragraph (7) is stricken out and the following inserted in lieu thereof:

(c) Loss, damage or expense arising from any deviation or proposed deviation, not authorized by the contract of affreightment, known to the Assured in time to insure specifically the liability therefore. Knowledge of the United States Governmental Departments or Agencies, other than the War Shipping Administration, its Time Charter Agents or Berth Agents in the continental United States, shall not be considered as knowledge of the Assured in respect to deviation or proposed deviation.

4. Clause (f) of paragraph (7) is amended by striking out the semi-colon and adding the following:

except that if liability be assumed by the Assured pursuant to section 2 of Public Law 295, Seventy-eighth Congress, approved April 24, 1944, such liability shall be deemed imposed by law and constitute a valid claim thereunder;

5. Paragraph (16) is amended by striking out "twelve (12)" and inserting in lieu thereof "twenty-four (24)".

6. Paragraph (17) is amended by striking out "eighteen (18)" and inserting in lieu thereof "twenty-four (24)".

7. Paragraph 20 is stricken out and the following inserted in lieu thereof:

(20) Unless otherwise agreed by endorsement hereon, the Underwriter's liability shall in no event exceed that which would be imposed on the Assured by law in the absence of contract; *Provided, however*, That the Assured's right of indemnity from the Underwriter shall include any loss, damage or expense otherwise covered under the provisions of this policy arising as a result of any contract for the employment of tugs, floating cranes or similar floating equipment where such contract is one which is substantially similar to those customarily in use and in force on January 1, 1944.

8. The words "directly or indirectly" are stricken from paragraph 25, and Clause (d) of paragraph (25) is stricken out, and clause (e) is designated "(d)" and clause (f) is designated "(e)".

9. A new paragraph designated paragraph 26 reading as follows is added:

(26) Notwithstanding anything to the contrary contained in this policy, the Underwriter shall not be liable for or in respect of any loss, damage or expense, sustained by reason of capture, seizure, arrest, restraint or detention, or the consequences thereof or of any attempt thereat; or sustained in consequence of military, naval or air action by force of arms, including mines and torpedoes or other missiles or engines of war, whether of enemy or friendly origin, or sustained in consequence of the explosion of

ammunition or other explosive material intended for military use (other than petroleum products) unless the explosion is caused by collision between the vessel named herein and a vessel other than an enemy naval vessel; or sustained in consequence of placing the vessel in jeopardy as an act or measure of war taken in the actual process of a military engagement, including embarking or disembarking troops or material of war in the immediate zone of such engagement; and any such loss, damage and expense shall be excluded from this policy without regard to whether the Assured's liability therefor is based on negligence or otherwise, and whether before or after a declaration of war.

10. The introductory paragraph under the heading "War Risk Only Clauses" reading as follows: "The following War Risk Only Clauses (Clauses A, B and C) shall be deemed to override P. & I. Clauses (Articles 1 to 25 inclusive) wherever they may be in conflict," and "Clause A" are stricken out and the following inserted in lieu thereof:

The following War Risk Only Clauses (Clauses A, B and C) shall be deemed to override P. & I. Clauses (Articles 1 to 26 inclusive) wherever they may be in conflict except with respect of loss, damage, or expense in respect of any claim for loss of life of, or personal injury to, or illness of, or loss of any baggage or personal effects of; prisoners of war, or of any member of the armed forces of the United States or of any Government of any Nation Signatory to the United Nations Pact, which shall be for the account of the Underwriter whether excluded by the F. C. and S. Clause (paragraph 26) or not.

Clause A. This insurance covers only those liabilities which would be covered by this policy under Articles 1 to 26 inclusive in the absence of the F. C. & S. Clause (Article 26), but which are excluded by that Clause. The Underwriter agrees to indemnify the Assured against loss, damage or expense as aforesaid which the Assured shall become liable to pay and shall pay by reason of the fact that the Assured is the owner, or charterer, or the General or Time Charter Agent or agent or Berth Agent or sub-agent of the owner or charterer (mortgagee, trustee, or receiver thereof as the case may be) of the insured vessel.

(E.O. 9054, 3 CFR Cum. Supp.)

[SEAL]

E. S. LAND,
Administrator.

FEBRUARY 26, 1945.

[F. R. Doc. 45-3310; Filed, Mar. 1, 1945; 11:19 a. m.]

[G. O. 29, Supp. 11]

PART 341—SHIP WARRANT RULES AND REGULATIONS

SUSPENSION OF RATE CEILINGS FOR CERTAIN VESSELS

General Order 29 (§ 341.75 *Suspension of rate ceiling with respect to vessels of less than 1,000 gross tons*) (9 F.R. 6114, 9916), as amended, is amended by striking out the words "March 3, 1945", and inserting in lieu thereof the words "further notice".

(E.O. 9054, 7 F.R. 837)

[SEAL]

E. S. LAND,
Administrator.

FEBRUARY 26, 1945.

[F. R. Doc. 45-3307; Filed, Mar. 1, 1945; 11:19 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Order ODT L-4, Amdt. 3]

PART 504—DIRECTION OF MOTOR TRAFFIC MOVEMENT

MOTOR TRANSPORTATION OF IRISH POTATOES FROM DESIGNATED AREAS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Orders 8989, as amended, and 9156, War Production Board Directives 21 and 36, as amended, and authorizations and requests contained in certificates of the War Food Administration dated December 8, 1944, January 24, 1945, February 8, 1945, and February 26, 1945, respectively.

It is hereby ordered, That Appendix A to General Order ODT L-4, as amended (9 F.R. 14502, 10 F.R. 1245, 1705), be, and it hereby is, amended by adding thereto a new paragraph to read as follows:

Area No. 6. The counties of Alcona, Alpena, Antrim, Arenac, Bay, Benzie, Charlevoix, Cheboygan, Clare, Clinton, Crawford, Emmet, Gladwin, Grand Traverse, Gratiot, Ionia, Iosco, Isabella, Kalkaska, Kent, Lake, Leelanau, Manistee, Mason, Mecosta, Midland, Missaukee, Montcalm, Montmorency, Muskegon, Newaygo, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Ottawa, Presque Isle, Roscommon, Saginaw, and Wexford in the State of Michigan.

This Amendment 3 to General Order ODT L-4 shall become effective March 1, 1945.

(Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U.S.C. sec. 633, 58 Stat. 827; E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; WPB Directives 21 and 36, as amended, 8 F.R. 5834, 9 F.R. 6989, 10 F.R. 698; Certificates of WFA dated Dec. 8, 1944, Jan. 24, 1945, Feb. 8, 1945, and Feb. 26, 1945)

Issued at Washington, D. C., this 28th day of February 1945.

J. M. JOHNSON,
Director,

Office of Defense Transportation.

[F. R. Doc. 45-3316; Filed, Mar. 1, 1945; 11:32 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Office of the Secretary.

RED LAKE RESERVATION, MINNESOTA ORDER OF RESTORATION

Whereas, under authority contained in the Act of January 14, 1889 (25 Stat. 642), agreements were made between the United States and the Chippewa Indians of the Red Lake Reservation in the State of Minnesota providing for cession to the United States of a large area of said reservation and for the opening, sale and entry of such ceded lands under the homestead laws, the proceeds to be used

for the common benefit of all the Chippewa Indians of Minnesota, and

Whereas, the Chippewa Indians of Minnesota other than the Red Lake Band have organized as the Minnesota Chippewa Tribe and have relinquished to the Red Lake Band of Chippewa Indians all their right, title, and interest in the above-mentioned ceded lands, and

Whereas, the act of February 20, 1904 (33 Stat. 46), modified, amended, and ratified an agreement made and concluded with the Chippewa Indians of the Red Lake Reservation on March 10, 1902, which amended agreement provided for the surrender and cession to the United States by said Indians of all that part of the Red Lake Indian Reservation lying west of the range line between Ranges 38 and 39, west of the 5th Principal Meridian, the proceeds derived from the disposition of said lands to be placed to the credit of the Chippewa Indians of the Red Lake Reservation alone, and

Whereas, according to the records of the Commissioner of the General Land Office there remain of such ceded lands 157,000 acres, more or less, which have been opened to settlement and sale and which now are or hereafter may be classified as undisposed of, for which the Indians have not been paid, and which are of little or no value for the original purpose of settlement but which will prove of value to said Indians of the Red Lake Reservation if restored to tribal ownership, said acreage including lands which have been assessed for drainage works by the State of Minnesota under authority of the Volstead Act of May 20, 1908 (35 Stat. 169, 43 U.S.C. secs. 1021-1028), and

Whereas, through their tribal organizations, the Indians of the Red Lake Reservation have recommended restoration to tribal ownership of all such lands included within the cessions made under said Acts of January 14, 1889, and February 20, 1904, and the Superintendent of the Red Lake Agency and the Commissioner of Indian Affairs have concurred in this recommendation,

Now, therefore, by virtue of the authority vested in the Secretary of the Interior by sections 3 and 7 of the act of June 18, 1934 (48 Stat. 984), I hereby find that it will be in the public interest to restore to tribal ownership all those lands of the Red Lake Indian Reservation which were ceded by the Indians under the acts of January 14, 1889 (25 Stat. 642), and February 20, 1904 (33 Stat. 46), and which were opened for sale or entry but for which the Indians have not been paid and which now are or hereafter may be classified as undisposed of; and I hereby restore said lands to tribal ownership for the use and benefit of the Red Lake and Pembina Bands of Chippewa Indians belonging on the Red Lake Reservation in the State of Minnesota, adding them to and making them part of the existing reservation, subject to any existing valid rights.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

FEBRUARY 22, 1945.

[F. R. Doc. 45-3289; Filed, Mar. 1, 1945;
9:36 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5029]

DAWE'S VITAMELK CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of February, A. D. 1945.

In the matter of Dawe's Products Company, Inc., a corporation, trading as Dawe's Vitamelk Company.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, March 15, 1945, at ten o'clock in the forenoon of that day (Central Standard Time), Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-3294; Filed, Mar. 1, 1945;
11:00 a. m.]

[Docket No. 5111]

DAD'S ROOT BEER CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of February, A. D. 1945.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Randolph Preston, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, March 16, 1945, at ten o'clock in the forenoon of that day (Central Standard Time), in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on

behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-3295; Filed, Mar. 1, 1945;
11:00 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 282, Special Permit 31]

REICING OF ESCAROLE AT NEW YORK

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, February 23, 1945, as ordered by Center Brothers, with 2,000 lbs. ice, FGE 25630, escarole, now on 37th St. team track, of Pennsylvania Railroad, New York.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of February 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3290; Filed, Feb. 28, 1945;
11:21 a. m.]

[S. O. 282, Special Permit 46]

REICING OF PEAS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Chicago, Illinois, February 26, 1945, with not to exceed 2,000 pounds of retop ice, cars PFE 71100 and 94373, peas, on the Chicago Produce Terminal, as requested by American Shipping Company.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent

of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 26th day of February 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3291; Filed, Mar. 1, 1945;
10:33 a. m.]

[S. O. 282, Special Permit 47]

REICING OF ESCAROLE, CABBAGE AND SPINACH AT JERSEY CITY, N. J.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Jersey City, New Jersey, February 26, 1945, with not to exceed 2,000 pounds of retop ice in each car, cars ART 72078, escarole, and ART 21234, cabbage, now on the Pennsylvania Railroad, at Harsimus Cove, and MDT 18616, spinach, on the Erie Railroad, at Croxton Yard, as requested by Seuter Brothers.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 26th day of February 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3292; Filed, Mar. 1, 1945;
10:33 a. m.]

[S. O. 282, Special Permit 48]

ICING OF SPINACH AT WAVERLY, N. J.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Waverly, N. J., February 26, 1945, with not to exceed 2,000 pounds of retop ice per car, on cars BRE 75473, and ART

18630, spinach, on the Pennsylvania Railroad, as requested by Atlantic Commission Company.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 26th day of February 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3293; Filed, Mar. 1, 1945;
10:33 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 4301]

MOTOSHIGE BOYEKI

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation, finding:

1. That Motoshige Boyeki is a partnership organized and doing business under the laws of the Territory of Hawaii and a business enterprise within the United States, composed of Seizo Yamamoto, Ryuichi Moribe and Masao Uno and that Seizo Yamamoto is the owner of a 40% capital interest in the assets and profits, which interest is evidence of control of said business enterprise;
2. That Seizo Yamamoto, whose last known address is Japan, is a national of a designated enemy country (Japan);
3. That the following persons have claims against Motoshige Boyeki, which claims, as of December 31, 1942, are in the amount set out opposite their respective names, and are represented on the books and records of Motoshige Boyeki as accounts payable, subject however, to any accruals or deductions thereafter and which represent interests in Motoshige Boyeki:

Name	Amount
Motoshige Trading Co., Ltd.-----	\$2,459.84
Motoshige Trading Co., Ltd. (Spec. Acct.)-----	473.77
Mrs. K. Yamamoto-----	25.00
Total-----	2,958.61

4. That Motoshige Trading Co., Ltd., and Mrs. K. Yamamoto, whose last known addresses are Japan, are nationals of a designated enemy country (Japan); and determining:

5. That Motoshige Boyeki, a partnership, is controlled by Seizo Yamamoto or is acting for or on behalf of a designated enemy country (Japan) or persons within such country and is a national of a designated enemy country (Japan);

6. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated

as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian all right, title and interest of Seizo Yamamoto in and to the business and assets of Motoshige Boyeki, a partnership, hereinbefore more fully described in subparagraph 1 above, and the interests of Motoshige Trading Co., Ltd., and Mrs. K. Yamamoto in Motoshige Boyeki, hereinbefore more fully described in subparagraph 3 above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to said business enterprise, to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 20, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-3296; Filed, Mar. 1, 1945;
11:06 a. m.]

[Vesting Order 4509]

DENGO NAKAYAMA

In re Real property, property insurance policies, personal property, claim, automobile and bank account owned by Dengo Nakayama.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Dengo Nakayama is Japan and that he is a resident of Japan and a national of a designated enemy country (Japan);

2. That Dengo Nakayama is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:
a. Real property situated in the City and County of Honolulu, Territory of Hawaii, particularly described in Exhibits A, B, C, D and E, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property.

b. All right, title and interest of Dengo Nakayama in and to:

(1) Fire insurance policy No. 5046 issued by American Home Fire Assurance Company of New York, New York, which policy insures the building at 841 Mokauea Street, Honolulu, Territory of Hawaii;

(2) Fire insurance policy No. 4879 issued by American Home Fire Assurance Company of New York, New York, which policy insures the buildings at 1339, 1343, 1345 and 1349 Kamehameha IV Road, Honolulu, Territory of Hawaii;

(3) Fire insurance policy No. 37502 issued by National Union Fire Insurance Company, of Pittsburgh, Pennsylvania, which policy insures the building at 1335 Kamehameha IV Road, Honolulu, Territory of Hawaii, and any and all extensions or renewals thereof;

(4) Fire insurance policy No. 37614 issued by National Union Fire Insurance Company of Pittsburgh, Pennsylvania, which policy insures the building at 1319 Kamehameha IV Road, Honolulu, Territory of Hawaii;

c. Household furniture and furnishings, including but not limited to the property described in Exhibit F attached hereto and by reference made a part hereof, which are presently located at 1104 Gulick Avenue, Honolulu, Territory of Hawaii.

d. All right, title, interest and claim of Dengo Nakayama in and to any obligations, contingent or otherwise and whether or not matured, owing to him by the Receiver of the Yokohama Specie Bank, Limited, Honolulu, Territory of Hawaii, evidenced by Receiver's Certificate No. 1634, and all security rights in and to any and all collateral for any and all such obligations and the right to enforce and collect the same.

e. 1941 Plymouth special-deluxe four-door sedan automobile, bearing engine No. P-12-275209, factory No. 11259962, stored in the garage located at 1104 Gulick Avenue, Honolulu, Territory of Hawaii, and

f. The sum of \$2500 constituting a portion of those certain bank accounts maintained with the Bishop National Bank of Hawaii, Honolulu, Territory of Hawaii, which are due and owing to, and held for and in the name of Dengo Nakayama, and any and all security rights in and to any and all collateral for all or part of such accounts, and the right to enforce and collect the same.

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that the property described in subparagraphs 3-b and 3-f hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3-b to 3-f inclusive hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 15, 1945.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

All of that certain parcel of land situate, lying and being at Kalihi, Honolulu, City and County of Honolulu, Territory of Hawaii, being Lot Number fifty-eight (58) of the tract of land known as the Gulick Tract, as shown on the map thereof recorded in the Office of the Registrar of Conveyances at Honolulu in Liber 212 on Page 261.

Containing an area of 4,495 Square Feet, or thereabouts.

EXHIBIT B

First: All of that certain parcel of land (portion of the land described in Royal Patent Number 4542, Land Commission Award Number 818, Apana 6, Part 2 to George Beckley), situate, lying and being on the Southeast side of Kamehameha IV Road, at Kaluaopalea, Kalihi, Honolulu, City and County of Honolulu, Territory of Hawaii, being Lot Number one (1), and thus bounded and described:

Beginning at the West corner of this lot on the Southeast side of Kamehameha IV Road and running by true azimuths:

1. 231°40' 120.0 feet along the Southeast side of Kamehameha IV Road;
2. 328°30' 307.1 feet along Lot 2;
3. 60°35' 119.2 feet along old fence;
4. 148°30' 288.5 feet along fence to point of beginning.

Containing an area of 35,483 Square Feet, or thereabouts.

Second: All of that certain parcel of land (portion of the land described in Royal Patent Number 4542, Land Commission Award Number 818, Apana 6, Part 2 to George Beckley), situate, lying and being on the Southeast side of Kamehameha IV Road, at Kaluaopalea, Kalihi, Honolulu, City and County of Honolulu, Territory of Hawaii, being Lot Number three (3), and thus bounded and described:

Beginning at the West corner of this lot and the North corner of Lot 2 on the Southeast side of Kamehameha IV Road and running by true azimuths:

1. 231°40' 120.0 feet along the Southeast side of Kamehameha IV Road;
2. 328°30' 274.0 feet along Lot 4;
3. 42°25' 36.5 feet along fence along wet land;
4. 2°15' 101.0 feet along fence along wet land;
5. 48°20' 28.5 feet along wet land;
6. 148°30' 358.7 feet along Lot 2 to the point of Beginning.

Containing an area of 37,650 Square Feet, or thereabouts.

Reserving, however, therefrom, an easement of a right of way over the following described strip of land, ten (10) feet wide, to-wit:

Beginning at the North corner of this piece, being also the West corner of Lot 4 on the Southeast side of Kamehameha IV Road and running by true azimuths:

1. 328°30' 274.0 feet along Lot 4;
2. 42°25' 10.41 feet;
3. 148°30' 275.7 feet along the remainder of Lot 3;
4. 231°40' 10.07 feet along the Southeast side of Kamehameha IV Road to the point of beginning.

Containing an area of 2749 Square Feet.

Said right of way is for the benefit of the land in the rear of said Lot 3 and is to be used as such only until such time as the Government opens a Road giving access to the property in the rear of said Lot 3.

Third: All of that certain parcel of land (portion of the land described in Royal Patent Number 4542, Land Commission Award Number 818, Apana 6, Part 2 to George Beckley), situate, lying and being on the Southeast side of Kamehameha IV Road, at Kaluaopalea, Kalihi, Honolulu, City and County of Honolulu, Territory of Hawaii, being Lot Number Two (2), and thus bounded and described:

Beginning at the West corner of this lot and the North corner of Lot 1 on the Southeast side of Kamehameha IV Road and running by true azimuths:

1. 231°40' 120.0 feet along the Southeast side of Kamehameha IV Road;
2. 328°30' 358.7 feet along Lot 3;
3. 48°20' 24.0 feet along wet land;
4. 138°50' 39.0 feet;
5. 60°35' 89.1 feet along fence;
6. 148°30' 307.1 feet along Lot 1 to beginning.

Containing an Area of 38,750 Square Feet, or thereabouts.

EXHIBIT C

All of that certain parcel of land (portion of the land described in Land Commission Award Number 8450 to Kaunuchua for Moe-honua), situate, lying and being at Mokauea, Kalihi, Honolulu, City and County of Honolulu, Territory of Hawaii, being lot number

one (1), in Block D, of the tract of land known as the Kapiolani Tract, as shown on the Map thereof recorded in the Office of the Registrar of Conveyances at Honolulu in Liber 245, Page 408, and thus bounded and described:

Beginning at the North corner of this lot, being the South corner, of Mokauea Road and First Lane, and running as follows, to-wit:

1. S. 42°20' W. 50.00 feet along Mokauea Road;
 2. S. 47°40' E. 100.00 feet along Lot 2, Block D;
 3. N. 42°20' E. 50.00 feet along Lot 4, Block D;
 4. N. 47°40' W. 100.00 feet along First Lane to the point of beginning.
- Containing an Area of 5000 Square Feet, or thereabouts.

EXHIBIT D

All of that certain parcel of land (portion of the land described in Royal Patent Number 2509, Land Commission Award Number 6450, Apana 2 to Kaunuoehua for W. L. Moe-honua), situate, lying and being at Waikoa, Kalihi, Honolulu, City and County of Honolulu, Territory of Hawaii, and this bounded and described:

Beginning at a pipe which is 44°55' 196 feet from the West corner of File Plan 137 and running as follows, to-wit:

312°00'66 feet to a pipe along File Plan 137; 238°25' 98.6 feet to a pipe; 132°40' 79.0 feet to a pipe; 50°35' 97.0 feet to point of beginning and containing an area of 1¹/₁₀₀ of an Acre or thereabouts.

Excepting and reserving from the above described parcel of land all that portion thereof conveyed by Tadao Yoshioka, unmarried, to Fumi Imai, wife of Tomoso Imai, and Wakamatsu Yamana, husband of Mitoyo Yamana, as Tenants in Common, by Deed dated December 18th, A. D. 1939 and recorded in said Registry Office in Liber 1538 on Page 227, described as follows, to-wit:

Parcel A. Being a portion of L. C. AW. 591 to J. Meek situated on the northwest side of Gulick Avenue extension, in Kalihi, Honolulu, T. H.

Beginning at a pipe driven at the south corner of this piece of land being also the Southwest corner of Lot 3 of Gulick Avenue Extension Lots Designated File No. 137 and running by azimuths measured clockwise from true South:

1. 144°01'30" 73.36 feet along the Northeast side of 16 foot Right of Way to a pipe.
2. 312°40' 76.00 feet along Lot 3 of Gulick Avenue Extension Lots to a pipe;
3. 58°25' 15.00 feet along Lot 3 of Gulick Avenue Extension Lots to the point of beginning and containing an area of 549 square feet.

Grants: A perpetual easement and right of way for purposes of free and direct passage, vehicular and otherwise, over and across the following particularly described property, to-wit:

Parcel D being portions of L. C. AW. 1992 to Napaku L. C. AW. 591 to J. Meek and a portion of Lot 3 of Gulick Avenue Extension Lots, situated at the northeast end of Gulick Avenue extension in Kalihi, Honolulu, T. H.

Beginning at a pipe driven at the Southeast corner of this piece of land being also the Southwest corner of Lot 3 of Gulick Avenue Extension Lots, as shown on designated File Plan 137, and running by azimuths measured clockwise from true South:

1. 58°25' 16.05 feet along Northwest side of Gulick Avenue Extension to a pipe;
2. 144°01'30" 81.68 feet along the remaining portion of L. C. Aw. 591 to J. Meek to a pipe;
3. 224°45' 148.65 feet along the remaining portions of L. C. Aw. 591 to J. Meek and L. C. Aw. 1992 to Napaku to a pipe;

4. 314°45' 12.00 feet along the remaining portion of L. C. Aw. 1992 to Napaku to a pipe;

5. 44°45' 134.40 feet along remaining portion of L. C. Aw. 1992 to Napaku and along Lot 3-A of Gulick Avenue Extension Lots to a pipe;

6. 324°01'30" 73.36 feet along the remaining portion of L. C. Aw. 591 to J. Meek to the point of beginning and containing an area of 2939 square feet.

EXHIBIT E

First: All of that certain parcel of land (being Part 3, Section 2 of Royal Patent Number 2388, Land Commission Award Number 591 to John Meek) situate, lying and being in Kalihi, Honolulu, City and County of Honolulu, Territory of Hawaii, and thus bounded and described:

PART 3, SECTION 2, WAIKOAE MAUKA

Commencing at Rock at maikai W. corner of this land on S. E. edge of River and running:

S. 63°30' E. 2 ch. 1¹/₂ ft. along Kaunahena to water run at S. corner of this land, thence,

N. 24°30' E. 2 ch. along water run to angle, thence

N. 11° E. 5 chs. along stream to large Rock marked + at mauka E. corner of this land, thence

N. 71° W. 1 ch. 6¹/₂ ft. down to River N. corner of this land, then following along down River to Place of commencement;

Containing an area of 12¹/₁₀ Acre, or thereabouts.

Second: All of that certain parcel of land (portion of the land described in and covered by Royal Patent Number 1251, Land Commission Award Number 1992, Apana 2 to Napaku), situate lying and being off the end of Gulick Avenue Extension at Kalihi, Honolulu, City and County of Honolulu, Territory of Hawaii, being Parcel C, and thus bounded and described:

Beginning at the pipe driven at the Southwest corner of this piece of land being also the North corner of Lot 3 of Gulick Avenue Extension Lots and running by azimuths measured clockwise from true South:

1. 191°37' 107.33 feet along L. C. Aw. 591 to J. Meek;
2. 303°42' 20.46 feet along L. C. Aw. 3177;
3. 298°37' 54.73 feet along the same to a pipe;
4. 44°45' 109.56 feet along the remaining portion of L. A. Aw 1992 to Napaku to a pipe;
5. 137°02' 14.00 feet along Lot 3 of Gulick Avenue Extension Lots to the point of beginning.

Containing an Area of 4542 Square Feet, or thereabouts.

Third: All of that certain parcel of land situate, lying and being near the Northeast end of Gulick Avenue Extension at Kalihi, Honolulu, City and County of Honolulu, Territory of Hawaii, and being Parcel B, also designated as Lot Three-B (3-B) being a portion of Lot Number Three (3) of the tract of land known as the Gulick Avenue extension lots, as shown on the Map thereof, filed in said Office of the Registrar of Conveyances at Honolulu, as Registered Map Number One Hundred Thirty-Seven (137), and thus bounded and described:

Beginning at a pipe driven at the North corner of this lot, being also the North corner of original Lot 3 of Gulick Avenue Extension Lots and running by azimuths measured clockwise from true South:

1. 317°02' 14.00 feet along L. C. Aw. 1992 to Napaku to a pipe;
2. 44°45' 64.40 feet along Lot 3-A;
3. 132°40' 3.00 feet along L. C. Aw. 591 to J. Meek to a pipe;
4. 215°10' 66.00 feet along the same to the point of beginning.

Containing an Area of 549 Square Feet, or thereabouts.

Grants: A perpetual easement and right of way for purposes of free and direct passage, vehicular and otherwise, over and across the following particularly described property, to-wit:

Parcel D being portions of L. C. Aw. 1992 to Napaku L. C. Aw. 591 to J. Meek and a portion of lot 3 of Gulick Avenue extension lots, situated at the Northeast end of Gulick Avenue extension in Kalihi, Honolulu, T. H.

Beginning at a pipe driven at the Southeast corner of this piece of land being also the Southwest corner of Lot 3 of Gulick Avenue Extension Lots, as shown on designated File Plan 137, and running by azimuths measured clockwise from true South:

1. 58°25' 16.05 feet along Northwest side of Gulick Avenue Extension to a pipe;
2. 144°01'30" 81.68 feet along the remaining portion of L. C. Aw. 591 to J. Meek to a pipe;
3. 224°45' 148.65 feet along the remaining portions of L. C. Aw. 591 to J. Meek and L. C. Aw. 1992 to Napaku to a pipe;
4. 314°45' 12.00 along the remaining portion of L. C. Aw. 1992 to Napaku to a pipe;
5. 44°45' 134.40 feet along remaining portion of L. C. Aw. 1992 to Napaku and along Lot 3-A of Gulick Avenue Extension Lots to a pipe;
6. 324°01'30" 73.36 feet along the remaining portion of L. C. Aw. 591 to J. Meek to the point of beginning and containing an area of 2939 square feet.

EXHIBIT F

1. 1 Universal Manhattan gas range.
2. 1 4'6" x 2'6" all wood roll top desk.
3. 1 set living room wicker furniture.
- a. 1 3' diameter wicker table.
- b. 3 wicker arm chairs.
- c. 1 wicker rocking chair.
4. 1 set wicker dining table and chairs.
- a. 1 4' diameter wood top wicker table.
- b. 6 wicker chairs.
5. 1 wicker double arm chair.
6. 2 9' x 11'6" rugs.
7. 1 4' x 5'16" clothes chest (tansu).
8. 1 3' x 5' x 16" clothes chest (tansu).
9. 1 3' bureau.
10. 2 double beds.
11. 1 4' bookcase.
12. 1 3' portable food cabinet.
13. 1 3' x 4' kitchen table.
14. 6 kitchen chairs.

[F. R. Doc. 45-3297; Filed, Mar. 1, 1945; 11:06 a. m.]

[Supplemental Vesting Order 4587]

TSURU OKUNO

In re: Claim owned by Tsuru Okuno.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation:

1. Having found in Vesting Order Number 3865, dated June 28, 1944, that Tsuru Okuno is a resident of Japan and a national of a designated enemy country (Japan);

2. Finding that Tsuru Okuno is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows: "All right, title, interest and claim, of any name or nature whatsoever, of Tsuru Okuno in and to any and all obligations, contingent or otherwise and whether or not matured, owing to the said Tsuru Okuno by Yukuo Ogawa, Honolulu, Territory of Hawaii, including but not limited to all those sums arising by reason of rents collected from the real property more particularly described in Vesting Order Number 3865, in-

cluding but not limited to any and all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 6, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-3298; Filed, Mar. 1, 1945;
11:06 a. m.]

[Vesting Order 4588]

MINA BEAR POHLMAN

In re: Interests in real property, property insurance policies and bank account owned by Mina Bear Pohlman, also known as Minna Baer Pohlman and as Minna Bear Pohlman.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Mina Bear Pohlman, also known as Minna Baer Pohlman and as Minna Bear Pohlman, is Elsenzahn Strasse 66, Berlin-Halensee, Germany, and that she is a resident of Germany and a national of a designated enemy country (Germany);

2. That Mina Bear Pohlman, also known as Minna Baer Pohlman and as Minna Bear Pohlman, is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:
a. An undivided one-sixth interest in and to the real property situated in the City of Los Angeles, County of Los Angeles, State of California, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property.

b. All right, title and interest of any name or nature whatsoever of Mina Bear Pohlman, also known as Minna Baer Pohlman and as Minna Bear Pohlman, in and to the fire, earthquake, plate glass, war damage and Landlords and Tenants liability insurance policies particularly described in Exhibit B, attached hereto and by reference made a part hereof, insuring the property described in subparagraph 3-a hereof, and

c. The sum of \$2,000 constituting a portion of that certain bank account maintained with The Farmers and Merchants National Bank of Los Angeles, Los Angeles 54, California, which is due and owing to and held for and in the name of Minna Baer Pohlman in savings account No. 427, and any and all security rights in and to any and all collateral for all or part of such account, and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraph 3-b and 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3-b and 3-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending

further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 6, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Parcel 1: That portion of Block 20 of Ord's Survey, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 53, Page 66 of Miscellaneous Records in the Office of the County Recorder of said County, described as follows:

Beginning at the intersection of the Easterly line of Grand Avenue, 80 ft. wide, with the Northerly line of Seventh Street, 80 feet wide, as said streets are now established; thence along Seventh Street South 52°13'50" East, 60.25 feet to a point in the Southerly prolongation of a line between the Southeast wall of a 13 story building and the Northwest wall of a 13 story concrete building, said last mentioned point being North 52°13'50" West 270.55 feet from the Westerly line of Olive Street, 80 feet wide; thence along said prolongation and line between walls, North 37°41'40" East 108.65 feet to the South line of Lot "A" of Tract No. 811, as per map recorded in Book 16 Page 81 of Maps in the office of the County Recorder of said County; thence along said South line, North 51°54'30" West 61.05 feet to a point in the East line of Grand Avenue, said point being also South 37°16'30" West 484.34 feet from the South line of Sixth Street, 60 feet wide; thence along Grand Avenue, South 37°16'30" West 108.99 feet to the point of beginning.

Parcel 2: Lots 11 and 12 of the Lemmert Tract, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 13 Page 35 of Miscellaneous Records in the office of the County Recorder of said County.

Parcel 3: Lot 13 of the Lemmert Tract, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 13 Page 35 of Miscellaneous Records in the office of the County Recorder of said County.

Parcel 4: Lots 7, 8, and 9 in Block 1 of W. G. Nevin Tract, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 1 Pages 53 and 54 of Maps in the office of the County Recorder of said County.

EXHIBIT B

FIRST PARCEL

Fire Insurance coverage

Policy No.	Company	Amount of master policy	Amount of certificate of insurance
143938-12	Travelers Fire Insurance Co.	\$200,000	\$6,435
831476-12	Camden Fire Insurance Association	300,000	9,650
U 20553-12	Continental Insurance Co.	1,000,000	32,165
100659-12	Agricultural Insurance Company	400,000	12,860
P F 1065-12	Fire Association of Philadelphia	500,000	16,080
A 882737-12	Fireman's Fund Insurance Company	600,000	19,295
9103-12	Franklin Fire Ins. Co. of Philadelphia	600,000	19,295
2737F-7361-12	General Insurance Company of America	250,000	8,040
112284-12	Commercial Union Assurance Co., Ltd.	300,000	9,650
114089-12	National Fire Ins. Co. of Hartford	800,000	25,725
340314-12	National Liberty Ins. Co. of America	500,000	16,080
107583-12	National Union Fire Insurance Co.	400,000	12,860
37183-12	New Hampshire Fire Insurance Co. of Manchester	600,000	19,295
920312-12	Northern Assurance Company, Ltd.	200,000	6,435
219644-12	North River Ins. Co. of New York	400,000	12,860
OU 330865-12	Insurance Co. of North America	1,600,000	51,460
U 79751-12	North Insurance Co. of New York	300,000	9,650
4252-12	Pacific Fire Ins. Co. of New York	250,000	8,040
C 119515-12	Pacific National Fire Ins. Co.	200,000	6,435
204685-12	Pennsylvania Fire Ins. Co.	400,000	12,860
U 38001-12	Providence Washington Ins. Co.	834,405	26,835
U 685479-12	Queen Ins. Co. of America	400,000	12,860
144540-12	Springfield Fire & Marine Ins. Co.	700,000	22,510
68358-12	Travelers Fire Ins. Co.	300,000	9,650
307617-12	United States Fire Ins. Co.	400,000	12,860
507433-12	Westchester Fire Ins. Co.	500,000	16,080
		12,934,405	415,965

Earthquake coverage

Certificate No.	Company	Amount
73631-12	Lloyd's London	\$10,000
73632-12	Lloyd's London	38,000

All of the above policies are effective as of July 1, 1944 and expire July 1, 1947.

Second parcel: The California Insurance Company policy #852118, expiring November 27, 1946, in the amount of \$7500.00, fire and extended coverage, and \$2700.00 rental value.

The California Insurance Company policy #852119, expiring November 27, 1946, in the amount of \$14,500.00 fire, extended coverage, and earthquake, and \$2400.00 rental value.

War Damage Corp. policy #1085-06-381, expiring July 16, 1945, in the amount of \$7,000.00.

War Damage Corp. policy #1085-06-382, expiring July 16, 1945, in the amount of \$11,000.00.

Columbia Casualty Co. policy #83347, expiring March 23, 1945, covering plate glass damage.

Third parcel: The Franklin Fire Insurance Co. of Philadelphia, policy #3585, expiring January 18, 1946, in the amount of \$5,000.00, fire and extended coverage, and \$780.00 rental value.

War Damage Corp. policy #1085-06-383, expiring July 16, 1945, in the amount of \$5,000.00.

Liability insurance. Columbia Casualty Company policy #CNC 6435, expiring May 12, 1945, in the amount of \$25/50,000 covering Owners, Landlords and Tenants liability on all properties.

[F. R. Doc. 45-3299; Filed, Mar. 1, 1945; 11:06 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT E-11]

MINNEAPOLIS-ST. PAUL, MINN., AREA

EXPEDITING COLLECTION AND DELIVERY OF LINE-HAUL SHIPMENTS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Exec-

utive Orders 8989, as amended, and 9156, and War Production Board Directives 21 and 36, as amended, and in order to conserve and providently utilize vital transportation equipment, materials, and supplies, and to provide for the continuous and expeditious movement of necessary traffic by common carriers of property, the attainment of which purposes is essential to the successful prosecution of the war, and being satisfied that the fulfillment of the requirements for the defense of the United States has resulted and will result in a shortage in the supply of motor transportation equipment, materials, and supplies for defense, and for private account and for export, and it being deemed necessary and appropriate in the public interest and to promote the national defense, it is hereby ordered, that:

1. *Applicability.* The provisions of this order shall be applicable only to the collection and delivery by or for the account of common carriers in the Minneapolis-St. Paul area of shipments of property transported in line-haul service.

2. *Definitions.* As used in this order, the term:

(a) "Minneapolis-St. Paul Area" means and includes the municipalities of Minneapolis, St. Paul, South St. Paul, Invergrove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron Lake, Ft. Snelling, State Fair Grounds, Mendota, Fridley, Golden Valley, New Brighton, Northern Pump, and Twin City Ordnance Plant, Minnesota, and the territory immediately adjacent to each and commercially a part thereof.

(b) "Common carrier" or "carrier" means any person which holds itself out to engage in the transportation of property for the general public in line-haul service for compensation, regardless of the designation of such person under any Federal or State statute.

(c) "Person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental or legal entity.

(d) "Line-haul service" means the transportation of property by any facility of transportation between a point within the Minneapolis-St. Paul Area and a point outside that Area.

(e) "Collection" or "collect" means taking possession of property at a shipper's dock, warehouse, or other point where the property is available for loading for transportation and includes the acceptance of property from the shipper, or the shipper's agent, at the terminal or other facility maintained by the carrier for the acceptance of property.

(f) "Delivery" or "deliver" means relinquishing possession of property at the consignee's dock, warehouse, or other point which the consignee has designated for receiving delivery of the property and includes acceptance of the property by the consignee, or the consignee's agent, at the terminal or other facility maintained by the carrier for the delivery of property.

(g) "Truckload traffic" means a shipment moving from one consignor to one consignee in one day under a truckload or volume rate, subject to a stated minimum weight, and covered by one bill of lading.

(h) "Property" means anything, except persons and their personal baggage, capable of being transported by vehicle.

(i) "Vehicle" means any facility capable of being used for the transportation of property.

(j) "Special equipment" means any vehicle, the primary carrying capacity of which is occupied by mounted machinery.

3. *Collections of property; availability and restrictions.* (a) Before attempting collection of property, a common carrier shall make definite arrangements with the shipper thereof as to the time when and the place where the property will be available for collection.

(b) No common carrier shall collect, or cause the collection of, property at any time except:

(1) Between the hours of 8 a. m. and 5 p. m. on any Monday, Tuesday, Wednesday, Thursday, or Friday, and then only when the order for the collection thereof is received by the carrier prior to 2 p. m. on any such day; or

(2) Between the hours of 8 a. m. and 1 p. m. on any Saturday and then only when the order for collection thereof is received by the carrier prior to 11 a. m. on any such day.

(c) No common carrier shall make, or cause to be made, more than one collection of property from any one dock, warehouse, or other collection point, for the account of any one shipper in any one calendar day: *Provided*, That the collection of truckload traffic as defined in subparagraph (g) of paragraph 2 of this order, shall not be subject to the restriction of this subparagraph (c).

(d) No common carrier shall spot a trailer at a shipper's dock, warehouse, or other collection point, for the convenience of the shipper, unless such trailer is to be loaded by the shipper.

4. *Designation of collection point; preparation of property for shipment.* No common carrier shall attempt the collection of property from a shipper unless and until the shipper, prior to the time agreed upon by the carrier and shipper for the collection of such property, shall have:

(a) Designated the point at which the property will be available for collection;

(b) Prepared the property for shipment including, in respect of two or more shipments, the segregation and separation of such shipments to permit prompt checking and identification by the carrier; and

(c) Placed the property, together with the necessary shipping documents, for collection at the point so designated.

5. *Failure to prepare property for shipment; collection deferred.* Whenever a shipper fails, prior to the time agreed upon by the carrier and shipper, to prepare and place property for collection in the manner specified in paragraph 4 of this order, no common carrier shall collect, or cause the collection of, the property thereafter during the same calendar day.

6. *Restrictions on deliveries.* (a) No common carrier shall deliver, or cause the delivery of, property at any time except:

(1) Between the hours of 8 a. m. and 5 p. m. on any Monday, Tuesday, Wednesday, Thursday, or Friday;

(2) Between the hours of 8 a. m. and 1 p. m. on any such Saturday.

(b) When delivering two or more shipments to a consignee at one time, the common carrier shall segregate or separate such shipments to permit prompt checking and identification of such shipments by the consignee.

(c) In effecting deliveries of property no common carrier shall:

(1) Sort or separate any shipment as to sizes, brands, flavors, or other characteristics, for the use of the consignee; or

(2) Deliver a single shipment, or part thereof, or shipping documents therefor, to more than one receiving point on or within the premises of the consignee.

(d) No common carrier shall make, or cause to be made, more than one delivery of property to any one destination point for the account or benefit of any one consignee in any one calendar day: *Provided*, That the delivery of truckload traffic, as defined in subparagraph (g) of paragraph 2 of this order, shall not be subject to the restriction of this subparagraph (d).

(e) No common carrier shall spot a trailer at a consignee's dock, warehouse,

or other delivery point, for the convenience of the consignee, unless such trailer is to be unloaded by the consignee.

7. *Placement of vehicles for collections or deliveries; restrictions.* No common carrier for the purpose of collecting or delivering property shall place, or spot, or cause to be placed or spotted, or permit or allow to remain, any vehicle on, at, or near the premises of a shipper or consignee (or other point or place designated by agreement for the collection or delivery of property) at any time during which collections, by virtue of the terms of paragraph 3 of this order, or deliveries, by virtue of the terms of paragraph 6 of this order, are prohibited.

8. *Truckload deliveries; notification of consignee.* A common carrier shall notify the consignee as to any truckload consignment before delivery thereof is attempted in order that the consignee may make provision for the prompt unloading of the vehicle or vehicles.

9. *Places for collections and deliveries of property.* Collections and deliveries of property shall be made only at places which are directly accessible to vehicles at docks or street level; and such places must be so situated as to permit complete loading or unloading within 20 feet of the vehicle.

10. *Prohibited collections and deliveries; when may be made.* (a) A common carrier, while making any collection or delivery not prohibited by the terms of the foregoing paragraphs of this order, may make any collection or delivery which is made without operating the collecting or delivering vehicle any additional distance.

(b) A common carrier, who actually has commenced the collection of property at a shipper's dock, warehouse, or other point where the property is available as defined in paragraph 4 of this order, within the time not prohibited by the terms of paragraph 3 of this order, may complete the collection of such property: *Provided*, That the time required to complete such collection does not exceed an additional half hour beyond the time specified in said paragraph 3.

(c) A common carrier, who actually has commenced the delivery of property at the premises of a consignee within the time not prohibited by the provisions of paragraph 6 of this order, may complete the delivery of such property.

11. *Exemptions.* The provisions of this order shall not apply in respect of:

(a) Any shipment of property, the expedited movement of which is necessary to meet the needs of the military or naval forces of the United States, the United States Maritime Commission, or the War Shipping Administration;

(b) Any shipment consisting of household goods as defined in General Order ODT 43 (9 F.R. 3261);

(c) Any shipment of medicines or other supplies or equipment, the expedited movement of which is necessary for the protection or preservation of life, health, or public safety;

(d) Any shipment of property, the transportation of which requires special equipment;

(e) Any shipment of livestock;

(f) Any shipment of property, the transportation of which requires the use of a mounted tank or tanks;

(g) Any shipment of property moving in the express service of any common carrier by express subject to the provisions of Part I of the Interstate Commerce Act;

(h) Any shipment of property during the course of its transfer between the terminals of carriers incidental to line-haul service; and

(i) Any shipment of perishable commodities, the expedited movement of which is necessary to prevent spoilage or other damage from deterioration.

12. *Filing of tariffs.* Every common carrier required by law to file tariffs of rates, charges, rules, regulations, and practices forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operation affected by this order, and publish and file in accordance with law, and continue in effect until further order, tariffs, or appropriate supplements to filed tariffs, setting forth any changes in the rules, regulations, and practices of the carriers which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

13. *Carrier not relieved from other laws or regulations.* The provisions of this order shall not be so construed or applied as to authorize or require any act or omission which is in violation of any law or regulation, including any general order or other requirement of the Office of Defense Transportation.

14. *Special permits.* The provisions of this order shall be subject to any special permit issued by the Office of Defense Transportation to meet specific needs or exceptional circumstances, or to prevent undue hardship. Application for a special permit shall be made in conformity with the provisions of Administrative Order ODT 14 (9 F.R. 1184).

15. *Communications.* Communications concerning this order should refer to it by the special order number which appears in the caption hereof, and unless otherwise directed should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective March 1, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

(Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U. S. C. sec. 633, 58 Stat. 827; E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; WPB Directive 21 and 36, as amended, 8 F.R. 5834, 9 F.R. 6989, 10 F.R. 698)

Note: The recording and reporting requirements of this order have been approved by

the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D. C., this 28th day of February 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-3317; Filed, Mar. 1, 1945;
11:32 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[SR 14D, Order 2]

PETER N. JACOBSEN TOBACCO CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to section 4 (a) (2) (ii) of Supplementary Regulation No. 14D to the General Maximum Price Regulation, *It is ordered*, That:

(a) Peter N. Jacobsen Tobacco Company, Davenport, Iowa, (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each of the following items of scrap chewing tobacco at the appropriate maximum list price and maximum retail price set forth below:

Brand	Variety	Quantity of package contents	Maximum list price per dozen packages	Maximum retail price per package
		Ounces		
Plain	do.	16	\$9.64	\$0.90
S & C	do.	16	9.68	1.05
Eichenauer's	do.	10	6.01	.60
Gremmel	do.	8	4.82	.48
Eichenauer's	do.	5	3.19	.30
do.	do.	6	3.66	.40
Vesley & White	do.	4	2.50	.28
Regular	Sweet	8	4.43	.44

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each item of scrap chewing tobacco for which maximum prices are established by this order, the discounts and allowances they customarily granted during March 1942 on their sales of such item to purchasers of the same class, unless a change therein results in a lower price.

(c) Every retailer shall maintain, with respect to his sales of each item of scrap chewing tobacco for which maximum prices are established by this order, the customary price differentials below the manufacturer's stated retail price allowed by him during March 1942 with respect to such item.

(d) The manufacturer and every other seller (except a retailer) of an item of scrap chewing tobacco for which maximum prices are established by this order, shall notify the purchaser of such maximum prices. The notice shall conform to and be given in the manner prescribed by section 4 (d) of Supplementary Regulation No. 14D to the General Maximum Price Regulation.

(e) Unless the context otherwise requires, the provisions of section 4 of Supplementary Regulation No. 14D to the

General Maximum Price Regulation shall apply to sales for which maximum prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 1, 1945.

Issued this 28th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3268; Filed, Feb. 28, 1945;
11:52 a. m.]

[SR 14D, Order 3]

BUCKEYE TOBACCO CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to section 4 (a) (2) (ii) of Supplementary Regulation No. 14D to the General Maximum Price Regulation, *It is ordered*, That:

(a) The Buckeye Tobacco Company, 2221 East Seventy-First Street, Cleveland, Ohio, (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each of the following items of scrap chewing tobacco at the appropriate maximum list price and maximum retail price set forth below:

Brand	Variety	Quantity of package contents	Maximum list price per dozen packages	Maximum retail price per package
		Ounces		
SP	Plain	14	\$8.50	\$0.75
	do.	7	4.30	.39
Glove	do.	3½	2.50	.24

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each item of scrap chewing tobacco for which maximum prices are established by this order, the discounts and allowances they customarily granted during March 1942 on their sales of such item to purchasers of the same class, unless a change therein results in a lower price.

(c) Every retailer shall maintain, with respect to his sales of each item of scrap chewing tobacco for which maximum prices are established by this order, the customary price differentials below the manufacturer's stated retail price allowed by him during March 1942 with respect to such item.

(d) The manufacturer and every other seller (except a retailer) of an item of scrap chewing tobacco for which maximum prices are established by this order, shall notify the purchaser of such maximum prices. The notice shall conform to and be given in the manner prescribed by section 4 (d) of Supplementary Regulation No. 14D to the General Maximum Price Regulation.

(e) Unless the context otherwise requires, the provisions of section 4 of Supplementary Regulation No. 14D to the General Maximum Price Regulation shall apply to sales for which maximum prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 1, 1945.

Issued this 28th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3269; Filed, Feb. 28, 1945;
11:54 a. m.]

[Order 32 Under 3 (e)]

J. R. SINGLETON

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered*:

(a) The maximum prices for sales of Singleton's Super Hand Cleaner, manufactured by J. R. Singleton, San Diego, California, shall be as follows:

	To wholesalers	To retailers	To ultimate consumers
One quart container	\$.33	\$.40	\$.60
5-quart containers	1.55	1.88	2.82

The above prices are delivered, except on manufacturer's sales to wholesalers and retailers, which shall be f. o. b. factory.

(b) No extra charge may be made for containers.

(c) With or prior to the first delivery of the aforesaid commodity to a wholesaler, the manufacturer shall furnish such wholesaler with a written notice containing the schedule of maximum prices set out in paragraph (a) above and a statement that they have been established by the Office of Price Administration.

(d) Prior to making any delivery of Singleton's Super Hand Cleaner after the effective date of this order, the manufacturer shall mark or cause to be marked on each package whichever of the following legends is applicable.

Quart size—"Maximum retail price 60 cents".
5-quart size—"Maximum retail price \$2.82".

This order shall become effective March 1, 1945.

Issued this 28th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3270; Filed, Feb. 28, 1945;
11:54 a. m.]

[Max. Import Price Reg., Order 74]

L. J. LIPPMAN

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of the Maximum Import Price Regulation, it is ordered:

(a) *What this order does.* This order establishes maximum prices at which the importer may sell, and maximum

prices at which wholesalers and retailers may buy and sell, certain sterling silver cigarette lighters, imported from Mexico by L. J. Lippman, 2107 Broadway, New York, New York, hereinafter called the "importer". Each lighter is marked "Mexico-Sterling" and stamped with the applicable style number indicated in paragraph (b).

(b) *Maximum prices on sales by the importer.* The importer may not sell these lighters, and no person may buy them from him, at prices (delivered to the buyer) exceeding the following:

Style number and description of cigarette lighter	Maximum prices	
	To wholesalers	To retailers
#501 Dunhill style.....	\$6.05	\$7.55
#502 Dunhill style.....	7.45	9.30
#503 Zippo style.....	3.47	4.33
#504 Dunhill style.....	5.65	7.05
#505 Dunhill style.....	6.73	8.40
#506 Dunhill style.....	7.74	9.65
#507 Dunhill style.....	8.23	10.25

(c) *Maximum wholesale and retail prices.* No wholesaler or retailer may sell, and no person may buy from them, at prices higher than the following for such cigarette lighters:

Style number and description of cigarette lighter	Maximum prices	
	Sales by wholesalers to retailers (delivered)	Sales by retailers to consumers
#501 Dunhill style.....	\$7.55	\$12.45
#502 Dunhill style.....	9.30	15.35
#503 Zippo style.....	4.33	7.15
#504 Dunhill style.....	7.05	11.65
#505 Dunhill style.....	8.40	13.85
#506 Dunhill style.....	9.65	15.95
#507 Dunhill style.....	10.25	16.95

(d) *Importer to notify wholesalers.* The importer shall furnish a copy of this order to each wholesaler to whom such lighters are sold and shall also include on his invoice the following statement:

The enclosed Order No. 74, issued by OPA under the Maximum Import Price Regulation, establishes your maximum selling prices for these lighters and requires you to notify your customers what are their maximum prices, as stated in the order.

(e) *Wholesalers to notify retailers.* Every wholesaler selling such lighters shall include on his invoice to each retailer the following statement:

Your maximum selling price for these lighters, as established by Order No. 74 issued by OPA under the Maximum Import Price Regulation, is \$..... each. (Insert \$12.45 for #501, \$15.35 for #502, etc.)

(f) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective March 1, 1945.

Issued this 28th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3271; Filed, Feb. 28, 1945; 11:54 a. m.]

[MPR 120, Order 1303]

JOE FRAME & E. J. HAWKS, JR., AND ALBERT KRISTIANSON

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATION

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, It is ordered:

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 12. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district

JOE FRAME & E. J. HAWKS, JR., 350 CLARENCE ST., OTTUMWA, IOWA, NEW GLOBE COAL CO. MINE, 1ST SEAM, MINE INDEX No. 1003, VAN BUREN COUNTY, IOWA, MAX. TRUCK PRICE GP. 7, DEEP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	7A	8	9	10
Truck shipment.....	430	420	410	400	370	390	390	420	280	340	200

ALBERT KRISTIANSON, R. R. #1, OGDEN, IOWA, KRISTIANSON MINE, BLACK JACK SEAM, MINE INDEX No. 1004, BOONE COUNTY, IOWA, MAXIMUM TRUCK PRICE GP. 31, DEEP MINE

Truck shipment.....	505	495	485	475	475	445	450	495	310	370	200
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This order shall become effective March 1, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3272; Filed, Feb. 28, 1945; 11:54 a. m.]

[MPR 188, Rev. Order 2623]

ASSOCIATED METALS

APPROVAL OF MAXIMUM PRICES

Order No. 2623 under § 1499.158 of Maximum Price Regulation No. 188 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188, It is ordered:

(a) This revised order established maximum prices for sales and deliveries of a juvenile rocker manufactured by Associated Metals, 349 Decatur Street, Atlanta, Georgia.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping points. However, producer is subject to the provisions of § 1340.223 and all other provisions of Maximum Price Regulation No. 120.

Size group Nos.									
3	4	5	6	7	7A	8	9	10	
410	400	370	390	390	420	280	340	200	

NSON MINE, BLACK JACK SEAM. MINE INDEX No. 1004,
 TRUCE PRICE GP. 31, DEEP MINE

485	475	475	445	450	495	310	370	200
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Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
Juvenile rocker....	Steel frame..	Each \$1.85	Each \$2.18

These prices are f. o. b. factory, are subject to a cash discount of one percent for payment within ten days, net thirty days, and are for the article described in the manufacturer's application dated August 29, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this revised order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this revised order for sales by the purchaser. This notice may be given in any convenient form.

(c) This revised order may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective on the 1st day of March 1945.

Issued this 28th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3274; Filed, Feb. 28, 1945;
11:56 a. m.]

[MPR 188, Order 3411]

MACHINE PRODUCTS CO., INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188, *It is ordered:*

(a) This order established maximum prices for sales and deliveries of certain articles of furniture manufactured by Machine Products Company, Inc., 159 High Street, Boston, Massachusetts.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from their own stock	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
Smoke stand.	D	Each \$3.20	Each \$3.39	Each \$3.99

These prices are f. o. b. factory, are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the article described in the manufacturer's undated application received by the Office of Price Administration on December 11, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of MPR 188, for the

establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 1st day of March 1945.

Issued this 28th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3275; Filed, Feb. 28, 1945;
11:55 a. m.]

[MPR 188, Order 3412]

ROSS MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of a vanity table manufactured by Ross Manufacturing Company, 2617 West 16th Street, Little Rock, Arkansas.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
Vanity table.....	361-D.....	Each \$3.23	Each \$3.80

These prices are f. o. b. factory, are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated December 9, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the

Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) All prices previously established for sales of the article listed above by the sellers and to the classes of purchasers specified are hereby revoked.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 1st day of March 1945.

Issued this 28th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3276; Filed, Feb. 28, 1945;
11:56 a. m.]

[MPR 188, Order 3413]

QUALITY WOODWORKERS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by Quality Woodworkers, 830 Fredericksburg Rd., San Antonio, Texas.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
Porch glider swing.	PG-3.....	Each \$9.39	Each \$11.05

These prices are f. o. b. factory, are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the article described in the manufacturer's application dated January 11, 1945.

(2) For sales by the manufacturer the maximum prices apply to all sales and

imum Price Regulation No. 120, it is for all methods of shipment, except truck or wagon, for bituminous coal from the mines indicated by index number and cents per net ton are established by size name, all of which are in District 7:

LOW VOLATILE COALS

Mine Index No.	Mine name	Sub-district	Maximum prices and size group numbers and rail shipments										Locomotive fuel				
			1	2	3	4	5	6	7	8	9	10	Smelting use	Lump and double-screened	Mine run	Resultant 2 1/2" x 0	Resultant 1 1/2" x 0
3	Amigo	5	390	400	410	425	445	465	485	500	515	530	335	370	355	340	315
6	Arista	3	380	395	405	420	440	460	480	500	515	530	335	370	355	340	315
8	Asco #1	4	380	395	405	420	440	460	480	500	515	530	335	370	355	340	315
9	Asland 6 and 9	3	380	390	400	415	435	455	475	495	515	535	335	370	355	340	315
28	Bradshaw	4	470	485	495	510	525	545	565	585	605	625	335	370	355	340	315
35	Buckeye #3	3	380	385	375	340	345	380	350	330	325	335	335	335	335	335	335
37	Caretta #5	4	400	420	410	365	320	385	350	330	325	335	335	335	335	335	335
37	Caretta #5	4	400	420	410	365	320	385	350	330	325	335	335	335	335	335	335
68	Dumelin	2	435	445	410	255	345	390	375	390	360	335	335	335	335	335	335
68	Ereter	4	385	405	410	365	360	380	375	390	360	335	335	335	335	335	335
73	Glen Rogers #2	5	500	500	490	355	345	380	350	315	310	305	335	335	335	335	335
73	Green Siding	1	380	380	400	355	345	385	385	355	355	355	335	335	335	335	335
94	Killarney	3	380	385	375	340	345	380	350	320	340	335	330	330	330	330	330
95	Lake Superior #6	3	380	365	385	340	335	380	365	335	335	335	335	335	335	335	335
97	Lamar	3	380	390	400	355	350	385	375	390	360	335	335	335	335	335	335
103	Lillybrook #3	5	435	445	410	385	345	380	375	390	360	335	335	335	335	335	335
116	Mason #1	4	380	385	365	330	345	380	350	320	325	310	310	310	310	310	310
117	Mead #2	5	380	385	365	330	345	380	350	320	325	310	310	310	310	310	310
135	Oswald	5	435	445	410	385	345	380	375	390	360	335	335	335	335	335	335
140	Penman	2	460	470	425	370	345	390	365	330	315	310	310	310	310	310	310
164	Semoco	5	380	405	410	355	345	380	365	335	315	310	310	310	310	310	310
179	Summerlee	5	435	445	410	385	345	380	375	390	360	335	335	335	335	335	335
201	Wenmah-Nodoc	5	380	370	370	325	345	380	350	320	325	320	320	320	320	320	320
210	Mullens	5	380	390	400	335	345	380	350	320	325	320	320	320	320	320	320
220	Asco #2	4	380	390	400	335	345	380	350	320	325	320	320	320	320	320	320
230	Payette	2	465	475	440	385	375	425	425	435	435	435	435	435	435	435	435
253	Gaston #2	5	380	385	375	340	345	380	365	330	345	340	340	340	340	340	340
257	Pasley	1	380					380	400	315	310	310	310	310	310	310	310

(3) The following orders, as revised and amended, under Maximum Price Regulation No. 120 are revoked: Order Nos. 878, as corrected and amended, 901, 957, 1014, 1056, 1108, 1169, 1213 and L-13.

(4) The provisions of § 1340-210 (a) (16) of MPR 120 shall apply to the coals priced herein.

(5) This Order No. may be amended or revoked by the Price Administrator at any time.

(6) Except as is specifically provided in this order, the provisions of Maximum Price Regulation No. 120 governing the sale of bituminous coal shall remain in effect.

(7) The prices established herein are f. o. b. the mine or preparation plant for truck shipments, and f. o. b. the rail shipping point for railroad locomotive fuel.

(8) The applicant shall include a statement on all invoices in connection with the sales of coal priced under this order that the prices charged include an adjustment granted by Order No. 1299 under Maximum Price Regulation No. 120 of the Office of Price Administration.

This order shall become effective February 27, 1945.

Issued this 26th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3127; Filed, Feb. 26, 1945;
11:59 a. m.]

[MPR 188, Amdt. 1 to Rev. Order 2525]

PIANOS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159b of Maximum Price Regulation No. 188 and section 6.4 of Second Revised Supplementary Regulation 14, *It is ordered*: Revised Order No. 2525 under Maximum Price Regulation No. 188 is amended in the following respect:

Paragraph (1) is amended to provide that this Revised Order shall become effective on April 1, 1945.

Issued this 28th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3287; Filed, Feb. 28, 1945;
4:31 p. m.]

[RMFR 169, Order 73]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

DESIGNATION OF DEFICIENCY AREAS IN WASHINGTON

Pursuant to § 1364.415 (c) of Revised Maximum Price Regulation No. 169, I find that there exists in the City of Bremerton and the Puget Sound Navy Yard in the State of Washington quotas permitting sales of fabricated meat cuts which are insufficient to supply the requirements of purveyors of meals lo-

cated in those areas. I find, furthermore, that this condition has occurred because of an increase in population in such areas due to the maintenance of projects connected directly with the war effort and under the direction and control of the United States Government. The city of Bremerton and the Puget Sound Navy Yard in the State of Washington are hereby designated as deficiency areas and the Administrator at Washington, D. C., may, in writing, authorize named sellers to sell and deliver specified quantities of fabricated meat cuts to purveyors of meals for such period and subject to such terms and conditions as he may deem necessary.

This designation shall remain in effect to and including June 30, 1945, unless sooner terminated or unless extended by an amendment to this order.

This order may be revoked or amended at any time.

This order shall become effective March 1, 1945.

Issued this 1st day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3333; Filed, Mar. 1, 1945;
11:37 a. m.]

[SR 14D, Order 1]

JOSEPH P. RIESE

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to section 4 (a) (2) (ii) of Supplementary Regulation No. 14D to the General Maximum Price Regulation; *It is ordered*, That:

(a) Joseph P. Riese, 1208 S. Fourth Street, La Crosse, Wisconsin, (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive the following item of scrap chewing tobacco at the appropriate maximum list price and maximum retail price set forth below:

Brand	Variety	Quantity of package contents	Maximum list price per dozen packages	Maximum retail price per package
Buckeye.....	Plain.....	Oz. 13	\$7.20	\$0.72

(b) The manufacturer and wholesalers shall grant, with respect to their sales of this item of scrap chewing tobacco for which maximum prices are established by this order, the discounts and allowances they customarily granted during March 1942 on their sales of such item to purchasers of the same class, unless a change therein results in a lower price.

(c) Every retailer shall maintain, with respect to his sales of this item of scrap chewing tobacco for which maximum prices are established by this order, the customary price differentials below the

manufacturer's stated retail price allowed by him during March 1942 with respect to such item.

(d) The manufacturer and every other seller (except a retailer) of the item of scrap chewing tobacco for which maximum prices are established by this order, shall notify the purchaser of such maximum prices. The notice shall conform to and be given in the manner prescribed by section 4 (d) of Supplementary Regulation No. 14D to the General Maximum Price Regulation.

(e) Unless the context otherwise requires, the provisions of section 4 of Supplementary Regulation No. 14D to the General Maximum Price Regulation shall apply to sales for which maximum prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 2, 1945.

Issued this 1st day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3330; Filed, Mar. 1, 1945;
11:38 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 50-8]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

MEMORANDUM OPINION AND ORDER APPROVING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of February 1945.

This Commission, on August 12, 1943, applied to the United States District Court for the District of Massachusetts, pursuant to sections 11 (d) and 18 (f) of the Public Utility Holding Company Act of 1935, to enforce compliance with an order of the Commission dated July 21, 1942,¹ issued pursuant to section 11 (b) (2) of the act. This order directed that International Hydro-Electric System, a registered holding company, be liquidated and dissolved. After a hearing on this application, said United States District Court entered an interlocutory decree on October 11, 1943, appointing Bartholomew A. Brickley, of Boston, Massachusetts, as special counsel, to investigate certain transactions alleged to give rise to causes of action on behalf of International Hydro-Electric System against International Paper Company. Brickley was also directed to make a report with respect thereto to said United States District Court. In connection therewith the decree provided that Brickley, as special counsel, could employ stenographic and clerical help and would be allowed his actual expenses and such reasonable compensation for his services as might thereafter be approved and allowed by the Court.

¹International Hydro-Electric System, — SEC — (1942), Holding Company Act Release No. 3679.

After completion of his investigation, Brickley, on November 1, 1944, filed his report in the United States District Court in which he recommended that under appropriate orders from the Court proceedings be instituted against International Paper Company on behalf of International Hydro-Electric System. After a hearing on the report, the Court on November 13, 1944, adopted the recommendation contained therein and appointed Brickley General Trustee for International Hydro-Electric System, authorizing and directing him to operate its business until further order of the Court and to take the necessary steps to institute suit against International Paper Company.

Brickley has filed with this Commission an application pursuant to Rule U-63,² seeking approval by the Commission as to the maximum amount that may be paid him for his services as special counsel. The fees and expenses submitted for our approval are summarized as follows:

B. A. Brickley, Special Counsel, and Associate.....	\$30,000.00
Mildred MacDonald, Secretary....	1,375.00
Court stenographers.....	600.37
Disbursements.....	499.43
Total	\$32,474.80

After appropriate notice, including publication thereof in New York and Boston newspapers as well as the mailing of a copy of such notice to all persons granted intervention or participation in the District Court proceeding, a hearing was held with respect to the application. No objection was raised by any person at the hearing to the amount of the requested fees and expenses.

The record indicates that the investigation and the preparation of the report submitted by Brickley covered a period of approximately one year, from October 13, 1943 to November 1, 1944. In connection therewith, material from the files and reports of various regulatory authorities, as well as the records and accounts of the companies involved, were studied and analyzed, and numerous witnesses were examined and conferences held. Brickley was assisted by E. R. Langenbach, a member of Brickley's law firm, and the fee requested includes compensation for Langenbach's services. The application states that Brickley spent approximately 974 hours and Langenbach 556 hours on the investigation and the preparation of the report.

² Rule U-63 promulgated pursuant to authority vested in the Commission under sections 11 (d) and 11 (f) of the act provides as follows:

All fees, expenses and remuneration, whether interim or final, to whomsoever paid for services rendered or to be rendered in connection with any reorganization, dissolution, liquidation, bankruptcy, or receivership of a registered holding company or subsidiary thereof, in any court of the United States, shall be subject to approval by the Commission as to the maximum amount that may be paid for such services. This rule shall not apply to any payments approved by a court of the United States, in any proceeding in which the Commission has filed a notice of appearance pursuant to section 208 of chapter X of the Bankruptcy Act as amended.

After careful consideration of the record, we are satisfied that \$30,000 is reasonable maximum compensation for the services rendered, and that the claimed disbursements were properly made.

It is therefore ordered, That the application of Bartholomew A. Brickley, pursuant to Rule U-63, be and the same is hereby approved.

By the Commission (Chairman Purcell, and Commissioners Healy, Pike, and McConnaughey).

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-3281 Filed, Feb. 28, 1945;
2:41 p. m.]

[File No. 59-25]

UNITED CORP.

ORDER DENYING PETITION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of February, A. D., 1945.

The Commission having, on August 14, 1943, issued its findings and opinion and order herein pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 directing The United Corporation to change its capitalization to one class of stock, namely common stock, and to take such action as will cause it to cease to be a holding company; and

Randolph Phillips, a common stockholder of The United Corporation, having filed on February 8, 1945, a petition requesting amendment of the Commission's aforementioned order of August 14, 1943, or the issuance of a new and additional order under section 11 (b) (2) of the act directing The United Corporation: (1) to abolish the method of noncumulative voting at all elections of directors and to institute in its place the method of cumulative voting, (2) to provide that a quorum at all meetings for the election of directors shall consist of a minimum of 50% of the total voting stock outstanding in place of the present 25% requirement, and (3) to require that adequate representation be given on the board of directors to stockholders opposing the present management; and

The Commission having considered the allegations of fact and the reasons advanced in support of the relief requested, and being of the opinion that said allegations of fact, if true, do not establish the existence of such circumstances as would warrant a modification of its order of August 14, 1943, or the institution of further proceedings under section 11 (b) (2) of the act;

It is ordered, That the petition of Randolph Phillips dated February 8, 1945, requesting the amendment of the Commission's order dated August 14, 1943, or the issuance of a new and additional order pursuant to section 11 (b) (2) of the act be, and the same hereby is, denied.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-3282; Filed, Feb. 28, 1945;
2:41 p. m.]

[File No. 70-819]

INDIANA GAS UTILITIES CO. AND
ASSOCIATED ELECTRIC CO.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa. on the 26th day of February, 1945.

Associated Electric Company ("Aelec"), a registered holding company, and its wholly-owned subsidiary, Indiana Gas Utilities Company ("Utilities"), having filed an application-declaration, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935, concerning the acquisition by Aelec of all the assets of Utilities, subject to its existing liabilities upon the surrender by Aelec, for cancellation, of all the outstanding shares of capital stock of, and claims against, and the subsequent dissolution of, Utilities; and

The Commission having, on March 9, 1944, after notice and hearing, filed its memorandum opinion and order (Holding Company Act Release No. 4934) granting the application and permitting the declaration to become effective; and

The Commission having, by orders dated June 22, 1944, August 29, 1944, and December 27, 1944, upon the request of applicants-declarants, extended the time for consummating said transaction to and including February 28, 1945; and

Applicants-declarants having, on February 21, 1945, advised the Commission that the parties have been unable to consummate the transaction proposed in said application-declaration within such time, and having requested that the time for such consummation be extended to and including April 28, 1945; and

It appearing to the Commission that it is appropriate in the public interest and the interest of investors to grant said request;

It is ordered, That the time for consummating said transaction be, and hereby is, extended to and including April 28, 1945.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-3283; Filed, Feb. 28, 1945;
2:41 p. m.]

[File No. 70-1025]

NORTH AMERICAN CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of February A. D. 1945.

The North American Company, a registered holding company, has filed a declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the General Rules and Regulations promulgated thereunder, regarding a proposal to pay on April 2, 1945, a dividend to its holders of common stock of record on March 2, 1945, payable in the common stock of Pacific Gas and Electric Company having a par value of \$25 per share, owned

by The North American Company, at the rate of one share of such stock of Pacific Gas and Electric Company on each one hundred shares of the outstanding common stock of The North American Company. In lieu of certificates for fractions of shares of stock of Pacific Gas and Electric Company, cash will be paid at the rate of 36 cents for each $\frac{1}{100}$ th of a share of such stock of Pacific Gas and Electric Company, this rate being based on the approximate market price of \$36.00 per share as of February 6, 1945, the date the proposed dividend was declared. The North American Company also seeks approval of the Commission with respect to the modification of its Loan Agreement dated August 3, 1943, under which bank loan notes in the amount of \$26,837,425 are outstanding. The proposed modification will be effected by a supplemental agreement dated February 6, 1945, and will permit the distribution as dividends of an additional 290,000 shares of Pacific Gas and Electric Company Common Stock without impairing certain obligations of the holders of the notes issued under said Loan Agreement.

Said declaration having been filed on the 7th day of February, 1945, and notice of filing having been duly given in the manner and form prescribed by Rule U-23 under said act and the Commission not having received a request for hearing with respect to said declaration within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The North American Company having requested that the Commission issue its order on or before February 26, 1945; and

The Commission finding that the requirements of sections 7 and 12 (d) and Rules U-43 and U-44 are satisfied, that no adverse findings are necessary thereunder, and that action upon said declaration should be accelerated, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that said declaration be and the same is hereby permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-3284; Filed, Feb. 28, 1945;
2:41 p. m.]

[File No. 70-1030]

NEW YORK POWER AND LIGHT CORP. AND
NIAGARA HUDSON POWER CORP.

NOTICE OF FILING AND NOTICE OF AND
ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of February 1945.

Notice is hereby given that a joint application and declaration has been filed with this Commission pursuant to Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder by Niagara Hudson Power Corporation and its subsidiary, New York Power and Light Corporation. Niagara Hudson Power Corporation is a holding company and a direct subsidiary of The United Corporation, a registered holding company. New York Power and Light Corporation is a public utility company. All interested persons are referred to said application and declaration, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

New York Power and Light Corporation proposes to issue and sell, at a price to be determined by competitive bidding but not less than the principal amount thereof plus accrued interest and not more than 102 $\frac{3}{4}$ % of such principal amount plus accrued interest, \$50,000,000 principal amount of its First Mortgage Bonds, due February 1, 1975, and to invite publicly, in accordance with the provisions of Rule U-50, sealed, written proposals for the purchase of said bonds. The annual coupon rate, to be specified in said proposals, is to be a multiple of one-eighth per cent not greater than three per cent.

New York Power and Light Corporation further proposes to issue and sell to Niagara Hudson Power Corporation 50,000 shares of its common stock, without par value, for an aggregate consideration of \$5,000,000. In the event of the issue and sale of the Bonds, Niagara Hudson Power Corporation proposes to cancel advances totaling \$20,550,000 owed to it by New York Power and Light Corporation, provided there be obtained a closing agreement executed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury to the effect that such cancellation will not result in any income taxable to New York Power and Light Corporation.

The proceeds from the sale of said bonds and shares of common stock of New York Power and Light Corporation, supplemented by other funds of New York Power and Light Corporation, are to be used to redeem all (\$55,000,000 principal amount) of its presently outstanding First Mortgage Bonds, 3 $\frac{3}{4}$ % Series due 1964, at 107 $\frac{1}{4}$ % of the principal amount thereof and accrued interest to the date fixed for redemption.

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to said application and declaration, and that said application and declaration shall not be granted or permitted to become effective except pursuant to further order of the Commission,

It is ordered, That a hearing on said application and declaration under the applicable provisions of the Act and the Rules of the Commission thereunder be held on March 12, 1945, at 11:00 a. m., e. w. t. in the offices of the Securities

and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On that day the hearing room clerk in Room 318 will advise as to the room in which the hearing will be held. At the hearing, cause shall be shown why said application and declaration should be granted and permitted to become effective.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said application and declaration, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the proposed issue and sale of bonds and common stock by New York Power and Light Corporation are solely for the purpose of financing the business in which it is engaged, and have been expressly authorized by the Public Service Commission of the State of New York;

(2) Whether the proposed acquisition by Niagara Hudson Power Corporation of shares of common stock of New York Power and Light Corporation will serve the public interest by tending toward the economical and efficient development of an integrated public utility system;

(3) Whether the proposed cancellation by Niagara Hudson Power Corporation of advances owing to it by New York Power and Light Corporation complies with the applicable provisions of the Act and Rules thereunder;

(4) Whether the fees, commissions and other remuneration to be paid in connection with the proposed transactions are reasonable in amount and properly allocated;

(5) Whether the accounting entries proposed in connection with the proposed transactions are appropriate and in accordance with sound accounting principles and practice;

(6) Whether and to what extent it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose terms and conditions in respect of the proposed transactions;

(7) Generally, whether in any respect the proposed transactions are detrimental to the public interest or to the interest of investors or consumers or will tend to contravene or circumvent any provisions of the act or of the rules and regulations promulgated thereunder.

It is further ordered, That notice of said hearing is hereby given to Niagara Hudson Power Corporation and New York Power and Light Corporation, to their security holders, and to all interested persons; said notice to be given to Niagara Hudson Power Corporation and New York Power and Light Corporation by registered mail, and to all other persons by publication of this notice and

order in the FEDERAL REGISTER and by a general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

It is requested that any person desiring to be heard in this proceeding shall file with the Secretary of the Commission on or before March 9, 1945, an appropriate request or application to be heard, as provided by Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 45-3285; Filed, Feb. 28, 1945;
2:41 p. m.]

UNITED STATES COAST GUARD.

APPROVAL AND TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4481, 4483, and 4491, as amended, 49 Stat. 1544, 54 Stat. 163-167 (46 U.S.C. 375, 391a, 404, 474, 481, 489, 367, 526-526t), and Executive Order 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), the following approval and termination of approval of equipment is prescribed:

APPROVAL OF EQUIPMENT

DAVIT

Schat P. H. A. davit, single screw, Type MD 65-16 (Arrangement Dwg. No. B. A. 429, dated 19 January, 1945) (Working load of 6,750 pounds per arm, or 13,500 pounds per set), submitted by Lane Lifeboat & Davit Corp., Foot of 40th Road, Flushing, New York.

LUMINOUS MARKING FOR INTERIOR ACCOMMODATIONS

Luminous marking, designated Luminous Plastics 1A, submitted by John E. Pinko, 315 64th Street, Brooklyn, New York.

LIFE PRESERVER

Army-Navy Yoke Type adult kapok life preserver (Navy Department, Bureau of Ships Dwg. Nos. S3306-736709, S3306-736710, and S3306-736711 and Bureau of Ships Ad Interim Specification 23P15(INT)), Approval No. B-257, for use of military personnel, submitted by Office of Chief of Transportation, Army Service Forces, Washington, D. C.

TERMINATION OF APPROVAL

Coast Guard approval of the following item of equipment has been terminated, as the manufacturer no longer produces the same:

LIFE PRESERVER

Yoke Type adult kapok life preserver (Dwg. T. S. 24-1, dated 12 October, 1944 and specification dated 19 October, 1944), Approval No. B-251, for use of military personnel on board vessels operated by or for the U. S. Army and during assault and landing operations, submitted by Office of Chief of Transportation, Army Service Forces, Washington, D. C. (Approved November 14, 1944, 9 F.R. 13613).

Dated: February 28, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45-3334; Filed, Mar. 1, 1945;
11:49 a. m.]

No. 44—6

WAR MANPOWER COMMISSION.

HOLYOKE-NORTHAMPTON, MASS., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for Holyoke-Northampton Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

Sec.

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2. Definitions.
3. Control of hiring and solicitation of workers.
4. Authority and responsibilities of Management-Labor Committee.
5. Encouragement of local initiative and use of existing hiring channels.
6. General.
7. Issuance of statements of availability by employers.
8. Referrals by the United States Employment Service.
9. Hiring contrary to the program.
10. Exclusions.
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12. Statements of availability.
13. Solicitation of workers.
14. Hiring.
15. Representation.
16. General referral policies.
17. Standards for priority referral.
18. Effective date.

SECTION 1. *Purpose.* This employment stabilization program has been adopted in the Holyoke-Northampton Area, with the approval of the Regional Director. Its purpose is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management and necessary for the effective prosecution of the war:

- (a) The elimination of wasteful labor turnover in essential activities.
- (b) The reduction of unnecessary labor migration.
- (c) The direction of the flow of scarce labor where most needed in the war program.
- (d) The maximum utilization of manpower resources.

SEC. 2. *Definitions.* As used in this employment stabilization program:

- (a) "The Holyoke-Northampton Area" is comprised of the territory designated in Appendix A.
- (b) "Agriculture" means those farm activities carried on by farm owners or tenants on farm in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.
- (c) "State" includes Alaska, Hawaii, and the District of Columbia.
- (d) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities. (9 F.R. 3439)

(f) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(g) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment means his principal employment.

SEC. 3. *Control of hiring and solicitation of workers.* All hiring and solicitation of workers in, or for work in, the Holyoke-Northampton Area shall be conducted in accordance with this employment stabilization program. This shall include any hiring or solicitation, whether conducted within or outside the area, if the work is to be performed within the area.

SEC. 4. *Authority and responsibilities of Management-Labor Committee.* The Area Management-Labor War Manpower Committee for the Holyoke-Northampton Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization program, and to make recommendations concerning the same to the Area Manpower Director. It shall be the responsibility of this committee to hear and decide appeals or to delegate such responsibility to an Area Appeals Committee in accordance with regulations of the War Manpower Commission governing appeals.

SEC. 5. *Encouragement of local initiative and use of existing hiring channels.* The War Manpower Commission shall encourage local initiative and cooperative efforts to the end that the maximum use shall be made of existing hiring channels, such as private employers, labor organizations, schools, colleges, technical institutions and government agencies. This section shall not be interpreted or deemed to be a waiver of any of the provisions of this program.

SEC. 6. *General.* No employer in the Holyoke-Northampton Area shall hire any new worker except upon referral by or in accordance with arrangements with the United States Employment Service.

Notices of referral received by any employer pursuant to this program shall be retained during the continuance of this program and for a reasonable time thereafter. They shall be made accessible to the Area Manpower Director or his representative upon request.

SEC. 7. *Issuance of statements of availability by employers.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

- (a) He has been discharged, or his employment has been otherwise terminated by his employer, or
- (b) He has been laid off for an indefinite period, or for a period of seven or more days, or
- (c) Continuance in his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

Workers receiving statements of availability from their employers may not be hired upon presentation of the statement of availability to a new employer. A worker shall present the statement of availability to the local office of the United States Employment Service of the War Manpower Commission for referral by it to a new job.

SEC. 8. Referrals by the United States Employment Service. (a) When any of the circumstances set forth in section 7 are found to exist in an individual's case and the employer fails or refuses to issue a statement of availability to an individual entitled to such statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall refer such individual to a job opening. Pending such finding the United States Employment Service shall either request the worker to remain on his job or return to it in instances where the worker has voluntarily terminated his employment. When none of the circumstances set forth in section 7 are found to exist in an individual's case, the United States Employment Service shall attempt to persuade such individual to return to his former employment in an essential or locally needed activity providing the employer will reemploy the worker without prejudice.

(b) The United States Employment Service shall refer any individual in the employ of an employer who the War Manpower Commission finds after notice, hearing, and final decision has not complied with any War Manpower Commission stabilization program, regulation, or policy, or has not made a reasonable effort to comply with a recommendation of a duly authorized representative of the War Manpower Commission with respect to the more effective utilization of labor and for so long as such employer continues his non-compliance after such finding. An employer who continues to be in non-compliance after notice, hearing, and final decision shall not receive any referrals of labor from the United States Employment Service.

(c) If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort. For the purposes of this section, a 48-hour week shall be deemed to constitute full time employment.

(d) The United States Employment Service, upon the request of an individual, shall refer him to a former employer, when it is found that he has received from such employer with whom he has reemployment rights under an existing collective bargaining agreement, a notice that he must return to his former employment in order to preserve his seniority status.

(e) The United States Employment Service shall refer any worker who has not been engaged in an essential or locally needed activity during the preceding 60-day period.

(f) If a worker's last regular employment was in agriculture, he shall not be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration and provided further, that such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral.

SEC. 9. Hiring contrary to the program. An employer shall, upon written request of the United States Employment Service promptly release from employment any worker hired in violation of this program.

SEC. 10. Exclusions. No provision of this employment stabilization program shall be applicable to:

(a) The hiring of a new employee for agricultural employment, or

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this program, unless the employee is customarily engaged in work of less than seven days duration, or

(c) The hiring of an employee in any territory or possession of the United States, except Alaska and Hawaii, or

(d) The hiring by a foreign, State, county, or municipal government or their political subdivisions of their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform to the maximum extent practicable under the Constitution and laws applicable to it, with the program, or

(e) The hiring of a new employee for domestic service or to their hiring of a new employee whose last regular employment was in domestic service, or

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

SEC. 11. Appeals. Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization program, in accordance with regulations and procedures of the War Manpower Commission.

SEC. 12. Statements of availability. A statement of availability issued to an individual pursuant to this program shall

contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

SEC. 13. Solicitation of workers. No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such individual would be subject to restrictions under this employment stabilization program, except in a manner consistent with such restrictions.

SEC. 14. Hiring. The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship. The Area Manpower Director may fix for all or any establishments in the Holyoke-Northampton Area, fair and reasonable employment ceilings and allowances, limiting the number of employees or other specified types of employees which such establishments may employ during the specified periods. Such ceilings and allowances will be determined on the basis of the establishment's actual labor needs, the available labor supply, and/or the relative urgency of the establishment's products or services to the war effort. Except as authorized by the Area Manpower Director, no employer shall hire any new employees for work in such establishment if the hiring of such employee would result in such establishment's exceeding the employment ceiling or allowance currently applicable to it. The Area Director may, after consultation with the Management-Labor Committee direct that referrals be made in accordance with the employment ceiling program and Manpower priority list established for the area.

The Federal Government shall be considered as a single essential employer for the purposes of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U. S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

SEC. 15. Representation. Nothing contained in this program shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the program.

SEC. 16. General referral policies. No provision in this program shall limit the authority of the United States Employment Service or any other governmental agency designated by the War Manpower Commission to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 17. Standards for priority referral. Priority referrals of workers by the United States Employment Service shall conform with standards as outlined in Appendix B.

SEC. 18. Effective date. This program shall become effective 11/8/44 and is in substitution for and supersedes the employment stabilization plan in effect prior to such date. It shall, subject to such amendments as the War Manpower Commission may promulgate, continue in effect for six months following the termination of the war, unless sooner terminated by the War Manpower Commission.

APPENDIX A—DESIGNATION OF THE HOLYOKE-NORTHAMPTON AREA

The Holyoke-Northampton Area is comprised of the territories included in the following cities and towns in the Commonwealth of Massachusetts:

Served by the Holyoke USES Office: Chicopee, part (Fairview) (Willimansett) (Alden-ville); Holyoke; South Hadley.

Served by Northampton USES Office: Amherst, Belchertown, Chesterfield, Cummington, Easthampton, Goshen, Granby, Hadley, Hatfield, Northampton, Pelham, Plainfield, Southampton, Westhampton, Williamsburg and Worthington.

APPENDIX B—STANDARDS FOR PRIORITY REFERRAL

1. It is the responsibility of regional and Area Management-Labor Committees to develop and recommend to Regional and Area Manpower directors fair and reasonable standards to safeguard the rights of workers and employers subject to War Manpower Commission priority referral programs. Such standards shall be in accordance with the following but may include such additional standards, not inconsistent with the following, as may be determined necessary for the manpower program in the area.

A. To the greatest degree consistent with war needs, workers subject to priority referral shall be given freedom of choice as to the jobs they wish to accept, and employers shall be given freedom of choice as to the workers they wish to employ.

B. Any individual subject to priority referral shall, except as otherwise provided in Field Instruction 416, be offered successive job opportunities on the basis of their relative urgency in the war effort due consideration being given to the individual's occupational qualifications and his prior rate of pay or earnings, and shall not be denied such successive job offers except as authorized in section C hereof.

C. Upon determination by a regional or area manpower director after consultation with the appropriate Management-Labor Committee, that the labor demands on an area or region cannot be met unless limitations are placed on the jobs offered to a worker, limitations as to the jobs which will be offered to a worker may be applied. Provided that:

(1) No limitation shall be placed upon the number of jobs of substantially equal or greater manpower urgency which may be offered;

(2) No such limitations shall be applicable to a job offered which the worker has good cause for refusing; and

(3) The refusal of a worker, without good cause to accept referral shall not prejudice

his right subsequently to be offered referrals which he would be entitled to had the refusal not occurred.

D. Good cause for refusing a referral to a job without prejudice to further job offers shall include:

(1) Any case in which the worker, if he accepted the job would, under the applicable employment stabilization program, be entitled to a statement of availability or be eligible for a referral on grounds of underutilization of skill or less than full-time work;

(2) Any case in which wages or working conditions in the offered employment are not reasonably comparable to those prevailing for similar employment in similar establishments in the community; and

(3) Any case in which his acceptance of the job offered would, over an objection presented in good faith by the worker, require him to join or resign from, or refrain from joining a labor organization.

2. The reference to "emergency circumstances" in Section II (c) 3, of Field Instruction 416 shall be interpreted to permit, under emergency circumstances, the referral in an area of a worker to a less essential activity of significant importance to the health, welfare or interest of the community.

3. The provisions of War Manpower Commission Field Instructions 156 shall continue to apply to the employment of veterans of World War II.

4. No provision of these policies and standards shall be construed to alter or affect the provisions of Field Instruction 416 which relate to making arrangements for the maximum of existing hiring channels.

5. Any person who claims that any action taken, action denied, or decision rendered with respect to him, with respect to his employer, or with respect to any of his workers under a priority referral program, is unfair or unreasonable as applied to him, or is inconsistent with these or other applicable policies and standards or with applicable regulations or programs, may appeal from such action or decision in accordance with War Manpower Commission on Regulation No. 5.

Dated: November 18, 1944.

G. F. HARDING,
Acting Area Manpower Director.

Approved: November 24, 1944.

ARTHUR C. GERNES,
Regional Manpower Director.

[F. R. Doc. 45-3225; Filed, Feb. 28, 1945;
11:09 a. m.]

WAR PRODUCTION BOARD.

[C-268]

NATIONAL CAN CORP.

CONSENT ORDER

National Can Corporation, with its principal office and place of business at 110 East 42nd Street, in the City of New York, is a Delaware corporation engaged in the manufacture, among other things, of steel drums at its plant located at Maspeth, Long Island. It is charged by the War Production Board with wilful violations of Limitation Order L-197 in that it sold during the month of May, 1944, 3,946 six-gallon steel drums without

receiving the authorization from the War Production Board or the purchasers' certificates required by the Order, and, further, with having sold and delivered during the period from March 15 to May 26, 1944, 92,603 five-gallon steel drums without such authorization or certificate; and it is further charged with having sold and delivered during the period from May 27 to June 26, 1944, 13,417 five-gallon steel drums without receiving a purchasers' certificate as required by the order.

National Can Corporation admits these violations, but denies that they were wilful and does not care to contest the issue of wilfulness and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of National Can Corporation, the Regional Compliance Manager and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered, That:*

(a) National Can Corporation, its successors and assigns, for a period of three months from the effective date of this order, shall not sell or deliver any steel shipping drum, as defined in Limitation Order L-197, as amended January 18, 1945, except upon contracts or purchase orders bearing indicia of the purchasers' contract with a United States Government department, bureau, or agency, and a preference rating of AA-3 or higher, unless hereafter specifically authorized in writing by the War Production Board and except that it may sell or deliver such steel shipping drums directly to the Army or Navy of the United States, the Maritime Commission, the Panama Canal, the War Shipping Administration, or any agency of the United States Government for the account of any foreign country under the provisions of the Act of Congress of March 11, 1941, entitled "An Act to Promote the Defense of the U. S." (Lend-Lease Act); nor, during the effective period of this order, shall National Can Corporation, its successors and assigns, manufacture into steel shipping drums, as defined in Limitation Order L-197, as amended January 18, 1945, any steel other than steel which it acquired under the Controlled Materials Plan of the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve National Can Corporation, its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on March 1, 1945.

Issued this 22d day of February 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-3303; Filed, Mar. 1, 1945;
11:18 a. m.]

